

**PALM BEACH COUNTY  
MEMORANDUM**

**TO:** Wes Blackman, Chair  
Members of the Land Development Regulation Advisory Board  
(LDRAB)

**FROM:** William Cross, Senior Planner  
Zoning Division

**DATE:** May 6, 2004

**RE:** May 13, 2004 LDRAB Meeting – Agenda and Attachments

Please find enclosed the Agenda for the May 13, 2004 LDRAB meeting. Attachments include: the April 8, 2004 LDRAB minutes; proposed amendments to Unified Land Development Code (ULDC) Articles 1, 2 and 3; Flood Damage Prevention Ordinance; and, the Draft LDRAB Rules of Procedure.

To assist in the review of proposed ULDC amendments, please bring your copies of the ULDC Books.

If you should have any questions or require additional information, please contact me at (561) 233-5206, or Jane Bilka, Code Secretary at (561) 233-5302.

Enclosures:   1.    May 13, 2004 LDRAB Agenda  
                  2.    Attachment A – April 8, 2004 LDRAB Minutes  
                  3.    Attachments B, C and D - Proposed Amendments to  
                          Articles 1, 2 and 3  
                  4.    Attachment E – Flood Damage Prevention Ordinance  
                  5.    Attachment F – Draft LDRAB Rules of Procedure

# AGENDA

## PALM BEACH COUNTY LAND DEVELOPMENT REGULATION ADVISORY BOARD LAND DEVELOPMENT REGULATION COMMISSION May 13, 2004

### BOARD MEMBERS

Wes Blackman, AICP Chair

D. J. Snapp, III, Vice Chair

Joanne Davis

Barbara Katz

Ron Last, P.E.

Barbara Suflas Noble

John Glidden, R.A.

Marvin Manning

Rosa Durando

Stephen Dechert

Wayne Larry Fish, R.L.S.

Martin Klein, Esq.

Maurice Jacobson

Leonard Tylka

Charles Adams

Carmela Starace

Brian Waxman, Esq., Alternate

David Carpenter, RLA

Frank Palen, Esq., Alternate

Karen T. Marcus  
Chair, District 1

Tony Masilotti  
Vice Chair, District 6

Jeff Koons  
Commissioner, District 2

Warren H. Newell  
Commissioner, District 3

Mary McCarty  
Commissioner, District 4

Burt Aaronson  
Commissioner, District 5

Addie L. Greene  
Commissioner, District 7



Robert Weisman  
County Administrator

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100 Australian Avenue, West Palm Beach, Florida 33406 (561) 233-5200

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## **LAND DEVELOPMENT REGULATION ADVISORY BOARD**

**May 13, 2004 AGENDA**

**100 Australian Avenue**

**4<sup>th</sup> Floor Conference Room, 2:00 p.m.**

**A) Call to Order/Convene as the Land Development Advisory Regulation Advisory Board**

- 1) Roll Call
- 2) Additions, substitutions, and deletions
- 3) Motion to adopt agenda
- 4) Adoption of April 8, 2004 Minutes (Attachment A)

**B) ULDC Amendments**

- 1) Article 1 – General Provisions (Attachment B)
- 2) Article 2 – Development Review Procedures (Attachment C)
- 3) Article 3 – Zoning And Overlays (Attachment D)
- 4) Flood Damage Prevention Ordinance (Attachment E)

**C) Convene as the Land Development Regulations Commission**

- 1) Proof of Publication
- 2) Consistency Determinations

**D) Reconvene as the Land Development Advisory Regulation Advisory Board**

- 1) Review Draft “Rules of Procedure” (Attachment F)

**E) Staff Comments**

**F) Adjourn**

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3 **LAND DEVELOPMENT**  
4 **REGULATION ADVISORY BOARD**  
5

6  
7 **April 8, 2004**  
8 **100 AUSTRALIAN BLVD.**  
9 **WEST PALM BEACH, FL**  
10 **2:00 – 3:34 p.m.**  
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34 **Court Reporter**  
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1 **PROCEEDINGS:**

2 **BILL WHITEFORD:** We will have an organizational meeting. We have to  
3 update some things today. Like the Chair, the Vice-Chair, and that type of thing. We'll  
4 be responsible for taking minutes. We will have these meetings on a monthly basis so  
5 set it on your calendar. We will talk a little bit about that a little bit today. About our  
6 meeting dates and how people are going to quorum together.

7 In the future, the meetings won't be like they were last year. Your Board knows it  
8 was kind of crazy when we did the OBC rewrites, they have gone very well. You will be  
9 seeing some Amendments starting next month. Little minor glitch stuff, clarifications  
10 here, there, little things like that. As always, new issues have come up, things that we  
11 need to address and take care of. Some Amendments related to the Scripts Project,  
12 that sort of thing. But, we have a good program outline for you here today. I want to  
13 welcome everybody. Thanks again for volunteering. Those of you who are new,  
14 welcome aboard. Thank you for stepping forward. I don't know if you are going to go  
15 around the room and introduce yourselves to everybody or what was planned in that  
16 regard, because we do have some new faces and it's probably good for those folks to  
17 state who they represent.

18 But ,for myself and Staff, those of you who don't know me, my name is Bill  
19 Whiteford. I am the County Zoning Director and I am glad to see you here. I look  
20 forward to it every time. I'm going to turn it over to Jon.

21 **JON MACGILLIS:** I'm going to turn it over to Bill. All I want to say is, this is your  
22 workshop, and we would like, if anything, if we are going to in depth some with  
23 something, and some of you have been on the Board, three or four terms, we have go

1 to far into it, just tell us and we will move on. We have several major things to cover  
2 today, and a couple of speakers to do it, so, we want to make sure you're familiar with  
3 what your role is on the new Board.

4 What the Staff role is, and we would like the opportunity, at the end, to have  
5 someone here go through Interactive Code, which is the part of the NTTS program,  
6 which developed the Code you've seen in the past. You will be the first Board actually  
7 to see this published version which will be release later this Spring. But now I will turn it  
8 over to Bill.

9 **BILL CROSS:** Good afternoon. For those of you who know me, and those who don't,  
10 most of you know that I am pretty hard of hearing. So, I ask that during all meetings  
11 that we hold, that you keep all your discussions to one conversation.

12 **CARMELA STARACE:** He needs a microphone and you need a microphone.

13 **BILL CROSS:** I've got one right here. For all those who know me, I am hard of hearing.  
14 For those who don't, I'm pretty much, very hard of hearing. I ask that you keep all the  
15 conversations to just one conversation during the discussions. If you make a Motion, or  
16 if you have a discussion, I ask that you make your name before it, so that the minutes  
17 clerk can hear who the person is.

18 There are nineteen people here, seventeen people that are in a meeting, you  
19 can't always see the name plates or who is making those Motions. So, again, please  
20 state your name before making a Motion.

21 With that, let's get into the Agenda.

22 To start off with, I'd like to briefly do Staff introductions, and then I'll move into roll call,  
23 at which point, I would appreciate it, so that for the new members, you can introduce

1 yourself. Briefly, the Staff, I'd like to introduce Bill Whiteford, the Zoning Director. Jon  
2 Magillis is the Zoning Administrator. We have Bob Buscemi here who is principle  
3 planner of Code Review Sections and who is my boss. We have here, Lenny Berger,  
4 who is the Assistant County Attorney, who represents us for legal matters on this Board.

5 My name is Bill Cross, I'm a Senior Planner on the Code Review Section. With  
6 that, I'll start roll call. If you would, please briefly introduce who you are so that new  
7 members know who you are and what you represent and what your profession might  
8 be.

9 Starting off, we have Joanne Davis.

10 **JOANNE DAVIS:** Here. I'm Commission Appointee and I work with one thousand  
11 condos in Florida.

12 **BILL CROSS:** David Carpenter?

13 **DAVID CARPENTER:** Yes. David Carpenter. I'm a landscape architect representing  
14 District 2 and we have offices here in West Palm Beach.

15 **BILL CROSS:** Barbara Katz?

16 **BARBARA KATZ:** I'm Barbara Katz. I'm Commissioner Appointee but, I'm also the  
17 president of COWBRA, which is Coalition of Boynton West Residential Associations.  
18 These associations are in the unincorporated west Boynton area.

19 **BILL CROSS:** Barbara Noble?

20 Marvin Manning?

21 Stephen Dechert?

22 **STEPHEN DECHERT:** Steve Dechert, City representative, County Commissioner  
23 Appointee, and for my employment, I work for the Florida Coca Cola Bottling Company.

1 **BILL CROSS:** Marty Klein?

2 Leonard Tylka?

3 **LEONARD TYLKA:** I'm Len Tylka. I'm a home builder and commercial builder, but I'm  
4 a home builder. I'm the Gold Coast Builder's representative. I'm also the Treasurer of  
5 the Florida Home Builder's Association. To be president in two years.

6 **BILL CROSS:** Carmela Starace?

7 **CARMELA STARACE:** I'm an elected, I'm an elected official, and I represent the  
8 Municipality of Palm Beach County Builders and I'd love to know, from anyone,  
9 who here, how they liked the book that we did now that they are in the development  
10 business in Palm Beach County? Does it work for you? Is it working good?

11 **RON LAST:** Getting really good feedback on it.

12 **CARMELA STARACE:** You never thought you'd be a developer, huh?

13 **BILL CROSS:** Ron Last?

14 **RON LAST:** Here. Ron Last. I'm the Florida Engineering Society. Board Appointee. I  
15 have my own civil engineering business here in West Palm Beach.

16 **BILL CROSS:** John Glidden?

17 **JOHN GLIDDEN:** John Glidden of OGSP Architects. I'm representing the American  
18 Institute of Architects.

19 **BILL CROSS:** Rosa Durando?

20 **MAURICE JACOBSON:** She's not here today.

21 **BILL CROSS:** D.J. Snapp?

22 **D.J. SNAPP:** I'm D.J. Snapp and I represent the real estate industry.

23 **BILL CROSS:** Wayne Larry Fish?

1 **WAYNE FISH:** I'm Larry Fish. I am a personal surveyor and you have me listed in  
2 there as a professional engineer. Can you change that from PE to RLS. And, I have  
3 my own business on the side.

4 **BILL CROSS:** Maurice Jacobson?

5 **MAURICE JACOBSON:** Well, being the youngest one here, I represent the people at  
6 large, I should say. Condos and what have you. I am a former contractor, I am an  
7 elected person in the town of South Palm Beach.

8 **BILL CROSS:** Charles Adams?

9 **CHARLES ADAMS:** I'm Charlie Adams. I am general contractor here in West Palm  
10 Beach and I represent the Associated General Contractors.

11 **BILL CROSS:** Wes Blackman?

12 **WES BLACKMAN:** Yes. I'm Wes Blackman. I am a representative of the Palm Beach  
13 County Planning Congress and currently I work for Kilday and Associates, professional  
14 planners.

15 **BILL CROSS:** Frank Palen?

16 **FRANK PALEN:** Frank Palen. I'm an attorney for Caldwell and the same.

17 **BILL CROSS:** Brian Waxman?

18 **BRIAN WAXMAN:** Brian Waxman. I am an At-Large appointment and I am currently  
19 employed at a commercial real estate firm called Appleton Waxman (phonetic) in West  
20 Palm Beach.

21 **BILL CROSS:** With that done, I would like to recommend you make a Motion to elect a  
22 Chair and a Vice Chair. Is a Motion on the floor?

1 **MAURICE JACOBSON:** I would like to nominate Wes Blackman as Chairman. He's  
2 done an admirable job in the past and has a great command of what's going on and is  
3 very knowledgeable.

4 **BILL CROSS:** Person to second?

5 **UNIDENTIFIED SPEAKER:** Second.

6 **WES BLACKMAN:** All in favor?

7 **BILL CROSS:** Motion... all in favor of a vote? All in favor?

8 **COLLECTIVE:** Aye.

9 **BILL CROSS:** All opposed?

10 Wes Blackman is Chairman.

11 **WES BLACKMAN:** Thank you for the recognition, but I hope to get out of it. I guess  
12 not.

13 **DAVID CARPENTER:** Did we check, I'm David Carpenter, I forgot, did we, I mean,  
14 what is the term in here. I mean, I know it's two years but, we can reelect the  
15 Chairman, is that correct? Is that's the way it's stated?

16 **BILL WHITEFORD:** After two terms.

17 **DAVID CARPENTER:** I just wanted to make sure before we went any further.

18 **BILL WHITEFORD:** I think the terms are gone.

19 **DAVID CARPENTER:** The terms are gone? Okay.

20 **BILL CROSS:** I think we can turn this over to Wes now. If you would like to chair?

21 **WES BLACKMAN:** Yes.

22 **BILL CROSS:** You sure?

23 **WES BLACKMAN:** The election of Vice-Chair, we will take Motions from the floor.

1 **CARMLEA STARACE:** Well, D.J. did a good job also and he runs a good meeting so --

2 **MAURICE JACOBSON:** I'd like to second that.

3 **WES BLACKMAN:** Okay. Does the Motion beckon discussion? Seeing none.

4 Closing nomination. Those in favor say aye.

5 **COLLECTIVE:** Aye.

6 **WES BLACKMAN:** Those against say nay . So D.J. is Vice-Chair.

7 **WES BLACKMAN:** Moving on to review agenda, additions, substitutions and deletions.

8 Are there any changes to the agenda? Seeing none, Motion to Adopt the Agenda?

9 **CARMELA STARACE:** So moved.

10 **JOANNE DAVIS:** Second.

11 **WES BLACKMAN:** Motion seconded. The discussion being none. Those in favor say

12 aye.

13 **COLLECTIVE:** Aye.

14 **WES BLACKMAN:** Those against, none. The Motion passes.

15 Do we have excused absences?

16 **BILL CROSS:** We have one person absent. Marty Klein. He was out of state for an

17 emergency in the family and was unable to make it.

18 **WES BLACKMAN:** Okay. Is there a Motion to Accept that Excused Absence?

19 **CARMELA STARACE:** So moved.

20 **JOANNE DAVIS:** Second.

21 **WES BLACKMAN:** Does this Motion beckon discussion?

22 **JOANNE DAVIS:** I have a question.

23 **WES BLACKMAN:** Yes?

1 **JOANNE DAVIS:** Okay, so we operate under a different absence rule then some of the  
2 other committees? No? So, it's three strikes, your out? Is that when you are excused?

3 **LENNY BERGER:** I'll talk loudly. We discussed this when you were all still the CTF  
4 and it was pending awaiting changes of the new Code that we have in effect today,  
5 which brings Land Development Code Boards in compliance with Board of County  
6 Commissioners' general policy which is, as of now, there's no such thing as excused  
7 absences. It's three and you're out. In your packet, you only have a print out that's  
8 particular to your Board.

9       There are general advisory Board provisions in your Code. If you look in Article  
10 Seventeen, which deals with Advisory Boards and, if you look at Chapter E, I think, I  
11 haven't had a chance to memorize the whole Code yet, oh it is? There is a separate  
12 handout. And you'll see the new policy. It's three and you're out. Three consecutive  
13 and you're out. And, I think, half in a calendar year, you'll have to check, but there are  
14 no excused absences anymore.

15 **WES BLACKMAN:** So, an absence is an absence is an absence?

16 **CARMELA STARACE:** Oh, then we won't be voting on excused absences anymore?

17 **LENNY BERGER:** Correct.

18 **CARMELA STARACE:** Okay. So, then what is involved.

19 **LENNY BERGER:** Forget about the trip up today It's just an absence? Sure. It's a  
20 regular meeting.

21 **FRANK PALEN:** I have a question, Frank. I'm Frank. I am an alternate so I assume  
22 that rule does not apply at alternates?

23 **LENNY BERGER:** Correct.

1 **FRANK PALEN:** Thank you.

2 **WES BLACKMAN:** And one of the changes of this year is that we have two At-Large  
3 Alternates essentially, not each Appointee having an alternate, so, that is a change, and  
4 we are probably going to review that.

5 **CARMELA STARACE:** Is there any room for, you know, like, an appendectomy pops  
6 up, you know?

7 **WES BLACKMAN:** Hopefully, never at a meeting.

8 **CARMELA STARACE:** You never know. Is there a doctor in the house? But, I'm just  
9 saying, you know, if you, yourself are in the hospital, I mean, and it's your third one.

10 **LENNY BERGER:** There are no exceptions in the policy.

11 **CARMELA STARACE:** That's all I wanted to know. That's all I want to know.

12 Okay.

13 **WES BLACKMAN:** Moving on. An Overview of Planning and Zoning Functions. This  
14 is attachment One.

15 **BILL CROSS:** As indicated by Jon, this is your meeting , I'm going to try to be as brief  
16 as possible with some of this as we are going through the attachments but, if you have  
17 more questions, please stop me and we'll be glad to answer them. An overview of the  
18 Planning, Zoning and the Building Department and the reason we're showing you this,  
19 is in the event that we have code revision where other department Staff, or division  
20 heads, will be attending, we want you to know where they originate from.

21 The Department Director is Barbara Alterman, under with which you have, of  
22 course, the Claims Division, we have the Code Enforcement, we have the Zoning  
23 Director, the Building Division Director, the Contractor's Certification Division Director,

1 and an Administration Director, which rarely would there be any changes proposed on  
2 that one.

3 Moving along, we are going to introduce Isaac Hoyos in the planning division.  
4 He's going to give a presentation on the roles of the planning division and how it  
5 interrelates LD-RAB and the Land Development Regulation Review Commission, at  
6 which point we will be convening to determine is the proposed Code amendments are  
7 consistent with the Comprehensive Plan. With that, I'd like to introduce Isaac Hoyos.

8 **ISAAC HOYOS:** Good afternoon.

9 **COLLECTIVE:** Good afternoon.

10 **ISAAC HOYOS:** Isaac Hoyos with the Planning Division. The document that you  
11 received today has a lot of the details of what the planning functions are. Today, we  
12 are going to do some brief highlights, particularly in those areas where we interact with  
13 the Zoning Division and with this Board.

14 The first thing of the main document that we work with is the Comprehensive  
15 Plan. The Comprehensive Plan basically contains policies that guide growth in the  
16 county. Also the Comprehensive Plan has incorporated a long term vision for the future  
17 of Palm Beach County and has been there through the years with it's participation. The  
18 main relationship that we have with the Palm Beach Unified Development Land Code is  
19 that any provision in the Comprehensive Plan, or the majority of the provisions in the  
20 comprehensive plan, are implemented through the ULDC and that's why you have seen  
21 me here on many occasions when there are changes to the ULDC, the Unified Land  
22 Development Code is making determinations in the consistency with the  
23 Comprehensive Plan.

1           We also manage, of course, the Comprehensive Plan, which entails several  
2 activities. The first one is the Florida Statutes. Every local government has the  
3 opportunity to entertain amendments to the Comprehensive Plan. These amendments  
4 are either privately initiated or initiated by the county Staff. Amendments are small and  
5 large in scale and these amendments may require changes to the ULDC. That's one of  
6 the main reasons why I am mentioning this. Many times there are occasions when do  
7 changes in the Comprehensive Plan they may require to amend the Code.

8           Second, we have the function of managing growth in the county in the year 2000.  
9 Let me explain a little bit more about what the system in a few minutes. Consistency  
10 review, again, as I said a few seconds ago, we review changes in the ULDC for  
11 consistency with the Comprehensive Plan. You are very familiar, most of you, we  
12 finished doing the amendment to the Code to incorporate the manageability assistance.  
13 That's when we have intense activity making findings of consistency with the  
14 Comprehensive Plan.

15           Finally, as part of the management of the Comprehensive Plan, we make an  
16 evaluation as required by the state and the local government which needs to be  
17 performed every seven years and, basically an audit of the Comprehensive Plan  
18 assessing how well each local government is doing in managing growth.

19 We have many other planning functions. I'm just going to fly by some of them. Yes?

20 **BARBARA KATZ:** You said if we, you said if we had any questions. I just have one  
21 question on the growth management, part of that is language?

22 **ISAAC HOYOS:** Mostly, it is--

1 **BARBARA KATZ:** Because this says the Growth Management System is to manage  
2 Palm Beach County's growth, but you do not dictate city planning?

3 **ISAAC HOYOS:** Absolutely not.

4 **BARBARA KATZ:** So, could this say incorporated and unincorporated?

5 **ISAAC HOYOS:** Unincorporated.

6 **BARBARA KATZ:** Can it say that instead of Palm Beach County growth? I'd  
7 appreciate it.

8 **ISAAC HOYOS:** No problem.

9 Other activities that have that we are involved in is that we are doing section planning  
10 project for the central western community. It's like an encore of the manageability  
11 system and we are close to reaching closure on this. We also are participating in the  
12 marketing planning for the Scripts Research Institute and the ancillary review process.

13 We have a section that focuses on the open data and the various information for  
14 the County for all of the Staff and for the public. As you're going to see, due to  
15 changes in the situation of the county we are now focusing on utilization.

16 As I promise every year, we are going to do a brief presentation of the Growth  
17 Management System. Basically, for those of you who are new to this Board, the Growth  
18 Management System was designed to recognize and protect land and community  
19 diversity. Basically, we recognize that in the county, unincorporated areas of the  
20 county, people have different life style choices. Those that like to live in the more urban  
21 areas and those that like to live in the rural atmosphere, large lots, have horses, etc.  
22 So, this helps to basically recognize the differences in land and community diversity. It  
23 is intent of creating sustaining more involved communities.

1            Basically this system consists of, we group areas that have the same  
2 characteristics and then tailor policies specific for those areas. Like county-wide  
3 policies, we identify areas that are similar and tailor policies that are applicable in those  
4 areas. Before doing that, the Growth Management System is also linked to the different  
5 types of levels of services available. And, basically, we have all available services in  
6 the western and eastern areas of the county and also in the gated communities.

7            Also, the limited areas like the Reserve, Pratt Whitney, Scripts Research Institute  
8 will be in a limited service area, and the rest will be in a rural service area. Different  
9 levels of services for each of the different areas. The coastal are of the county is where  
10 most of the growth is expected in the county, urban and suburban development there,  
11 which account for 90% of the predicted population growth of the county. In coordination  
12 with different service areas it has become an overgrowth boundary.

13           The next expected area of overgrowth here, basically I'm addressing the different  
14 items in the western community the area between West Gate and the everglades  
15 agricultural area. Basically, the concept here is to protect and maintain rural and semi-  
16 rural communities. And, finally, the rest of the area includes the sugar cane fields, the  
17 everglades agricultural area, the glades communities and also everglades ecosystem.  
18 Cultural, the everglades conservation area and the glades community.

19           Just let me give you a quick few in where we are involved in the county. We are  
20 still issuing about 10,000 building permits a year and we are farming about 2,000 acres  
21 a year in Palm Beach County. Today's situation, if you look at this map, is basically  
22 showing that the county is in the process of reaching build out under the law land.  
23 There are about 22,000 acres available in the urban areas. The map is showing you in

1 green, the areas that have building options and outside of the red line, we have the  
2 urban communities, which is the movement here, we have the rural communities, which  
3 have very low density, like acreage of many of the communities out there.

4 But, inside, on the right hand side, showing the movement here, those red spots,  
5 are the only areas that have not been developed. Everything, here is in the process of  
6 being developed. There are 50,000 acres available in the lake communities, but,  
7 unfortunately, there is no developing in those areas at this point.

8 **WES BLACKMAN:** Thank you, Isaac. Questions for planning?

9 **CARMELA STARACE:** Yes. Just cause we can't see because it's so small, but, way  
10 down here, where it says committees-boards, you have decision task force above land  
11 development, whatever, whatever... that's gone away now, right? So, you don't want  
12 that in there? Oh, you do have that down here.

13 **ISAAC HOYOS:** No, that's no problem.

14 **CARMELA STARACE:** No, no, its that its not a criticism, it's just reading it...

15 **WES BLACKMAN:** Yes, Ron?

16 **RON LAST:** Are the ex-urban and rural's here, that's the same tier correct?

17 **ISSAC HOYOS:** The ex-urban tier is the acreage, which has a lot of one acre and a  
18 quarter and the rural tier now has a variety of activities of agriculture. Very large lots.

19 **CARMELA STARACE:** The acreage did not want to be in the rural area?

20 **WES BLACKMAN:** Any other questions of planning? Isaac Hoyos, thank you. Moving  
21 on to Building Division Overview.

22 **BILL CROSS:** Taking into consideration what Isaac has explained, when the top plan  
23 introduces changes, of course, it comes down to Code Review, but of course there is

1 much more of the implementation of the comp plan to Code as far as development and  
2 a lot of that has to go to the Zoning Division, obviously. With that, I want to introduce to  
3 you the Zoning Administration Organizational Chart.

4 Looking at that, you will see that, again, for a third time introduction, that Bill  
5 Whiteford is the Zoning Director and Jon Magillis is the Zoning Administrator. We have  
6 maybe five sections. One section is a public information section that generally handles  
7 on call functions and the file room. There are four sections, starting with Code Revision,  
8 would be the Code Revision staff which includes code revision status, as well as Board  
9 of Adjustment staff and handles variance approvals.

10 From there, we have an Architectural Review Section, which handles  
11 architectural review as well as landscaping permits for all county projects.  
12 Then we have a Public Hearing Section. Public hearing section deals with re-zonings or  
13 conditional use approvals or large developments or certain types of developments.  
14 Included in that, we have a development review oversight committee that implements  
15 not only approves projects that were approved by the board of county commissioners  
16 through the public hearing section, but other projects that require development review  
17 officer approval. With that, I conclude the introduction to the Zoning Division and move  
18 on to Code review unless we have any other questions.

19 **WES BLACKMAN:** Any questions regarding the zoning commission, yes Carmela?

20 **CARMELA STARACE:** It's just that Barbara came in.

21 **WES BLACKMAN:** Oh, yes. We'd like to recognize Barbara Noble.

1 **BILL CROSS:** Done. The next slide we have is a brief overview of the Code Section.  
2 We already mentioned that it includes the board of adjustment and Code Review  
3 Sections and Bob Buscemi is the principle planner in charge of those sections.

4 Moving along, into the next attachment, unless there are additional questions?  
5 Okay. Moving along, we have provided a brief two page handout on what is the Land  
6 Development Regulations Advisory Board, also known as the Regulations Advisory  
7 Board. And, within that, we said, what is LD-RAB? In a nutshell, LD-RAB or LD-RAB is  
8 the advisory board that was, will review request or applications for Code Review or  
9 Code changes and make recommendations to the Board of County Commissioners.

10 Okay?

11 Who are the members? The first seven members are nominated, approved by  
12 the Board of Commissioners. The first seven are each nominated by a District  
13 Commissioner. The next ten, as indicated on the the chart here, are professional  
14 organizations or boards, and the remaining two are alternate members, that are “At-  
15 Large” members that are nominated by the entire County Board of Commissioners by a  
16 majority nomination approval.

17 The terms of the LD-RAB members are two and three years, depending upon  
18 the odd and even numbering of their approval, as indicated in the Unified Land  
19 Development Code and division number.

20 When we need, we have a schedule for the upcoming year, starting with today, April 8<sup>th</sup>.  
21 And we have schedule for each month. Generally, they are on Thursdays, but we had  
22 to reorganize to accommodate meeting room space and other Staff to make sure

1 everyone could be here. And there will be a meeting on a Tuesday, and that will be July  
2 13<sup>th</sup> and there will be a meeting on November 10<sup>th</sup>, on a Wednesday.

3           There is also, we had mentioned that the reason we had Isaac do a presentation  
4 here was that the Planning Division maintains how to end the plan. When the LDRC  
5 meets, we are required to have submitted to the Planning Division any code  
6 amendments or changes to make sure that it's consistent with the Comprehensive Plan.  
7 When we actually approve, or make a recommendation, or you make a  
8 recommendation to the Board of County Commissioners, you'll be required to convene  
9 as the Land Development Review Committee, the LDRC, to make a recommendation  
10 and, at the same time to show that it's consistent with the Comprehensive Plan.

11           Yes?

12 **BARBARA NOBLE:** That Tuesday that you have down, is that a Board day?     A  
13 BCC day?

14 **BILL CROSS:** These are actually LD-RAB meeting dates.

15 **BARBARA NOBLE:** I understand that, but the Board meets on Tuesday's also.

16 **BILL WHITEFORD:** We'll find out. It's probably one or the other. It's either going to be  
17 a meeting day or a workshop day. They meet every Tuesday one's after the other.

18 **BARBARA NOBLE:** Then my question goes to Lenny. What if we have item that  
19 needs to be addressed, or anyone has an item that needs to be addressed by the Board  
20 of County Commissioners and that turns out to be a workshop or a Board day? Then,  
21 are we unexcused?

22 **LENNY BERGER:** If this is on a BCC day, I suspect it will be rescheduled.

23 **BARBARA NOBLE:** Okay.

1 **LENNY BERGER:** Because there will be an awful lot of people who won't be here.  
2 So we will need to double check that.

3 **WES BLACKMAN:** Questions regarding our meeting schedule? Go ahead.

4 **BILL CROSS:** The next item is forming LDRAB sub-committees. On certain occasions  
5 there may be some amendments coming before the entire Committee that requires  
6 certain additional review or technical expertise or detailed review. At that time, LDRAB  
7 may initiate to create a sub-committee review these more specific Ordinances or  
8 proposed amendment which must include two regular members, and have been created  
9 through a majority vote, the LDRAB or any other type of quorum.

10 When forming a sub-committee, we would arrange or coordinate, when the sub-  
11 committee is created, to schedule the meetings at your convenience and use of our  
12 secretarial Staff and make meeting space available for you. Often times we also have  
13 technical Staff available for whatever particular management you may need, whether it's  
14 zoning staff or some other department that is initiating the amendment.

15 **WES BLACKMAN:** We had a number of sub-committees that were formed during the  
16 review of the revised OCB last year and there was an issue about attending the number  
17 of those meeting and what actually, if any, quorum was required for those individual  
18 meetings. I think we came to the conclusion that it might be good just to underline them  
19 but, we don't actually need a quorum to meet with those meetings without that  
20 conclusion?

21 **JOHN MACGILLIS:** There was lengthy discussion regarding the code revision and the  
22 final outcome was that we have two members show up, we are required to carry on the

1 meeting. Unless, the two members that show up don't want to go forward, but, that we'll  
2 be ready to go forward with whoever shows up for that meeting.

3 **WES BLACKMAN:** And, many times with sub-committees we try to get an industry  
4 representative for the area the sub-committee is working on to get their input. We can  
5 introduce that and accommodate that as the sub-committees are formed. Any other  
6 questions with regards to sub-committees?

7 **DAVID CARPENTER:** David Carpenter, Did you mention the web site a moment ago?

8 **BILL CROSS:** Okay no more questions on those committees.

9 The last issue is what regulations govern the LD-RAB. Number 1, read Article  
10 Seventeen of the Unified Land Development Code which indicates the creation of the  
11 LD-RAB as well as the handout we provided documenting information that covers all  
12 Advisory Boards.

13 In addition to that, we have Lenny Berger here who is going to do a presentation  
14 to you on the handout that we provided to you regarding the Sunshine Law.

15 **LENNY BERGER:** Hi. For those of you who have heard this before a number of times,  
16 I apologize. For my kids who see movies ten times, the same movie ten times over, I  
17 guess there's some value in repetition. For those who are new, welcome. I think you  
18 will find this very interesting.

19 Primarily, I wanted to cover today the rule that govern you and all other  
20 government officials, be you elected, appointed or otherwise. Now that you are part of  
21 this Committee, you are subject to a Code of Ethics. The Code of Ethics, there is a  
22 local set of regulations, there is also, that run parallel to state laws, and it's important for  
23 you to understand at least the principles that guide them.

1 Like at great state law that deals with human behavior, it's a very complex, and I  
2 don't want to take up several days trying to tell you every single nuance and exception,  
3 but the idea is to give you sort of a general idea of the principles that drives the Code of  
4 Ethics and, hopefully alert you to the kind of issues that you may encounter in your  
5 duties here, so that we can address it before it becomes a problem.

6 The whole idea is just to be sensitive to the issues and ask, well in advance of  
7 the meeting, so that we have time to discuss what some of the options are.

8 Understand, I guess, Harry Potter, Justice Potter Stewart, I guess. The Supreme Court  
9 Justice who is my favorite, not Harry Potter, whose movies my kids see ten times over,  
10 he said that what you have the right to do, might not be the right thing to do. Ultimately,  
11 that is all the Code of Ethics is really all about. To determine whether you may be  
12 getting yourself into hot water or not, the best thing to do is to think of this from the  
13 prospective of an outside observer, and understand, as private citizens, we all  
14 appreciate that we are all predisposed to thinking that the government is lousy and  
15 they're doing something wrong, if they're being reported on. So, understand, you will be  
16 held to a higher standard.

17 Three general standards of the Code of Ethics, you can't disclose or use information  
18 that is not readily available to the public that you get because of this position and you  
19 use it to your private advantage. Now, most of what we do is, technically, is open to the  
20 public.

21 But, there can be some fine lines drawn. Understand, a Deputy Clerk, elsewhere  
22 in this state, who is a real estate agent, got into trouble because of the immediate  
23 access that she had to information dealing with foreclosures, probate proceedings, and

1 such and turned it to her private advantage. Obviously, you can't corruptly use your  
2 position. I don't need to waste anyone's time telling you to just behave. You can't do  
3 anything with wrongful intent here. You, your spouse, your kids, aren't supposed to  
4 take any sort of gift with the understanding that it is taken in exchange for some sort of  
5 favorable treatment or vote that you would take here.

6 There is something called the zone of danger, that the Court has described sort  
7 of fairly outlining the boundaries that you can operate in. You may be held to the  
8 "should know standard". A Court could say that you should have known that this was a  
9 tit for tat situation and I can give you a couple of examples.

10 In the City of Coral Gables, a City Commissioner took a membership to the Coral  
11 Gables Golf Club and this was considered not to be a violation of the Code of Ethics.  
12 The reason was because the golf course wanted nothing from the City and had no  
13 foreseeable needs from the City for anything at all. So, for that case, just for the fact  
14 that you could be in a position where could be of some use to this guy in the future, is  
15 not going to cause you any trouble.

16 On the other hand, an athletic director for a large university in the State of Florida  
17 got an incredible deal on a roof and by a roofer who was also doing a roof for the Field  
18 House of the major university. Now, I hope that everyone ought to know that you  
19 shouldn't do any of these things, okay? That's the sort of danger that we're talking  
20 about.

21 Now, there are conflicts of interests that everybody appreciates, even with casual  
22 acquaintances in the world of government. And everybody knows that there's this  
23 thing called an abstention, were we can abstain when we have a voting conflict. What a

1 lot of people fail to recognize is that there is an “absolute prohibition” against what they  
2 called prohibited conflicts of interest. It’s going to come up in very, very rare occasions  
3 in this kind of Board, in the context of this job. But, it’s important that you are at least  
4 aware of it.

5 You are prohibited from having any contractual relationship with any entity that is  
6 going to be regulated by your Board. Now, the word regulated is pretty narrowly  
7 interpreted. So, I don’t mean when we do a county wide or an unincorporated area  
8 change to the zoning Code, that you are necessarily being regulated by, as in the sense  
9 as the Ethics Commission sees it. The key is that we’re talking about scale.

10 There might however, be an instance where you are dealing with a development,  
11 an overlay zone, for example, that is very small, or a set of regulations that otherwise  
12 deal with a very narrow, small, confined area, and here you are working with a  
13 developer counting on these changes to come through. This would be a prohibited  
14 conflict. You can’t be on this board and have that relationship at the same time. Be  
15 aware that if something like that comes up, we need to talk, okay. It is a conflict that  
16 may be waived by the Board of County Commissioners in a public meeting, fully  
17 disclosed with a pre-fixed vote. But, if you do the vote, and afterwards say, oops, I  
18 made a mistake. I’ll agree.

19 If there is a voting conflict, that would be an instance where you or somebody  
20 you work with, or your kid or your spouse work’s with, where a result of the vote would  
21 end up being to your financial benefit or to a loss financially for you. This really is about  
22 relationships where you have some kind of a profitable interest. If you are a non-  
23 compensatable director of a non profit organization or if you are a member of a church or

1 something that is going to benefit, that's not what we're talking about here. If you're a  
2 public official who serves a City, that's not what we're talking about here. But, if you  
3 work for a profit making organization, and a vote here would enrich your gain, or your  
4 kid's gain or your spouses gain, you need to abstain in that circumstance. When you do  
5 it, again, do it here before the vote's taken, and then we'll give you a lovely conflict of  
6 voting form which you'll need to fill out and turn in to the Clerk of our Board within fifteen  
7 days of the vote.

8         Again, when we are talking about whether or not you really have a real special  
9 gain or a loss, you look to the size or the scope of the regulation. The Ethics  
10 Commission, at that time, that there wasn't really a problem where somebody voted on  
11 some land, on 29,000 acres of land, of which the Commissioner owned 300 acres. If it's  
12 a relatively small proportion of the area that you're dealing with, you don't really have a  
13 problem.

14         However, there was a Commissioner, and I'm not talking about our county, of  
15 course, in the State of Florida, where only 1,200 of 32,000 acres did end up being a  
16 conflict. So, be aware of those sorts of situations as well. And, again, there is no harm  
17 in abstaining if you think you may have a conflict of interest. You file a form and you are  
18 done.

19         Penalties for violating the Code of Ethics may be very severe. You will, of  
20 course, be removed from office. You will be subject to a very unpleasant civil  
21 administrative proceeding in Tallahassee. If you are found to have violated it, you will  
22 subject to a civil penalty of up to \$10,000.00 and any restitution that the Commission  
23 might think you are owing for any gain they think you might have gotten wrongly.

1           So, I'll tell you that this thing doesn't happen each and every day but, even being  
2 accused of a misdeed under the Code of Ethics is just not worth it. That's your good  
3 news for the day.

4           You are also subject to the Sunshine Law, which means that meetings have to  
5 be open. Fully open and to the public. For you, that's generally the Staff's problem and  
6 not yours. But, what you all need to be aware of is that the law frowns seriously and  
7 deeply on any methods, used by anybody, to abate the open meetings requirement.  
8 The meeting law applies to anytime any two, or more of you, talk about anything  
9 foreseeable coming before this Board. You're not supposed to do it. People have  
10 been accused of this, but not convicted in Palm Beach County. Probably, I can think of  
11 three times in the last two years. And, this is crime. So, this would be the State versus  
12 you. And again, this is not something you need in your life. Understand, that beyond  
13 getting into trouble yourself for a violation, if your actually convicted, is a second degree  
14 misdemeanor, and that's a term of sixty days or a fine of \$500.00. Nobody that I know,  
15 except for a school board member in a Panhandle county, has ever gone to jail for this.  
16 The fine is \$500.00, you don't need that either. Even more embarrassing, if none of this  
17 occurs, if there has been a Sunshine Law violation, it is possible that a Court can  
18 completely undo all of the work that was done. This occurred in the town of Palm  
19 Beach, probably fifteen years ago with their entire Zoning Code. I don't think that  
20 anybody needs that either.

21           The last thing I want to touch on is the Sunshine Law is we've always, or CTF,  
22 the predecessor Board here, has always had a very liberal participation policy here.  
23 The Sunshine Law requires "participation" by extending quotes. Essentially, all that

1 really means for Advisory Board meetings is that people get to show up and watch. We  
2 let people speak, but there is absolutely no right, under The Sunshine Law, to require,  
3 or allow anyone to speak to every single item that is on the meeting. That's how it  
4 works.

5 Finally, public records laws. For the most part again, this is your Staff's problem,  
6 and not yours. But again, be aware that documents you send and receive are public  
7 record. Your Staff is supposed to keep track of them. But, if you generate your own  
8 memoranda and somebody wants to see it, you need to show it to them. And, be  
9 aware, this applies to e-mail.

10 Essentially, what I tell internally, to the rest of the county employees about what a  
11 public record is, is that you're essentially skywriting. You know, if it's something you  
12 wouldn't want the whole world to see, I wouldn't write it down. And, violating the public  
13 record's law, intentionally destroying public records, is also a crime. And, I don't expect  
14 that any of you will be doing this because your Staff is in charge of keeping track of  
15 most of these things. But, don't willfully destroy public records.

16 Now, if you have any questions, about any of these things, again, the most  
17 important thing you can do is talk to me well in advance of a meeting. Like every good  
18 Board member, I'm sure that you review the agenda's in advance of the meeting, and  
19 you'll have plenty of opportunity to give me a call at the County Attorney's Office if you  
20 think that there might be a problem. Even if you think you do, and I say don't worry  
21 about it, it will ten minutes well spent.

22 Your job here, I think, has already been explained. For the most part, what you  
23 are here to do is to recommend changes to the ULDC also, I don't know if you guys are

1 going to cover it, but, just to make sure you understand as well, you will be sitting and  
2 the Land Development and Regulation Commission, which is another agency that  
3 reviews these amendments to ensure that they are consistent with the Comprehensive  
4 Plan, which is why you met Isaac, and you will see him periodically. That is your alter  
5 ego. You will wear both of those hats.

6 If you have any questions about any of this stuff, holler, or talk to me later.

7 **WES BLACKMAN:** I have a question about prohibitive conflict of interest and could that  
8 evolve over time? For example, in the Coral Gables, when the public official or counsel  
9 person had a membership at the Coral Gables Golf Club, and suddenly the Coral  
10 Gables Golf Club appeared before the board, is that then an example of prohibitive  
11 conflict of interest?

12 **LENNY BERGER:** It certainly could evolve into one for sure. And the reason I ask  
13 everyone to call me, is that I am your lawyer, which is absolutely, inviolate, confidential  
14 when you talk to me about these kinds of things because, for these purposes, you're my  
15 client. It's a very good question that you raise, Wes, but, every one of these cases are  
16 very fact specific, you know. The best I can do, is sort of alert you to the kind of issues  
17 that I can anticipate that you might run into here. Again, I don't see it.

18 Those of you who are new to this, don't be overly concerned, because you're  
19 essentially an advisory body that does overwriting policy decisions and you won't find  
20 yourselves in these conflict situations, but it can happen and you need to be aware of it.

21 Read the book though. In here there's questions and answers that sort of –  
22 when it's been asked the questions more than fifteen times, it ends up in here. So, a  
23 lot of the frequently asked questions, you'll find in the text of the rule booklet.

1 **WES BLACKMAN:** And one more follow up to that. The prohibitive conflict of interest  
2 is different from a voting conflict of interest.

3 **LENNY BERGER:** Correct.

4 **WES BLACKMAN:** In that the prohibitive, you need to take the initiative to resign from  
5 the board.

6 **LENNY BERGER:** Or from whatever entity you are working with. Correct. Or, choose  
7 to seek a waiver from the County Commission. Which again – that’s why you need to  
8 do this in advance, cause the Board doesn’t meet every Tuesday.

9 **CARMELA STARACE:** I just wanted to say that was a great presentation. I’m thinking  
10 that, even maybe though you’re my lawyer, but I would say anyway, if you are thinking  
11 whether it is or it isn’t, always err on the side that it is, and act accordingly. I laugh. You  
12 know, usually there is a presentation to elect the officials, and the questions they ask is  
13 how can you get around The Sunshine Law, that usually what they’re asking instead of  
14 if it is or if it isn’t. But always err on the side that it is.

15 **WES BLACKMAN:** Any other questions of Lenny? Thank you.

16 Next is the PBC website, is that correct?

17 **BILL CROSS:** We had one last item for discussion, which was, as David Carpenter  
18 referenced, do we have a division web page. We have pages including the entire Palm  
19 Beach County Planning, Zoning and Building Department. We have hyperlinks there  
20 and it’s all there, all the topics. And, at this web page, we have all the information  
21 regarding the Planning, Building and Zoning Department and all it’s different divisions,  
22 as well as the specific page for the zoning commission and a specific page for the Code  
23 Review Section. On this page, we have information that relates to Code review,

1 updates on particular items of interest, items that we're currently working on and, in  
2 addition, we have the meeting dates, information on the minutes, and copies of the old  
3 Code and new Code, under ordinance numbers. And again, updates and other  
4 information regarding the Code review process and some of your responsibilities. You  
5 can check here for previous meeting minutes if you want to do research on things we  
6 discussed a few months back, or could always contact Staff for assistance.

7 **CARMELA STARACE:** Are you gonna have here, like you did the the few last times  
8 we met, a court reporter?

9 **BILL WHITEFORD:** We had a court reporter during the Code revision process  
10 because of the complexities of everything we were talking about. Also, we went back in  
11 detail, through all those minutes to make sure that we covered everything that was  
12 discussed and got it right. In the future, I think we're going to play it by ear. Minutes  
13 have to be taken, but they can be summary minutes. This can be done by Staff.

14 But, if we get into some complex matters, we may have a court reporter come in  
15 again, just to make sure the record is straight and that we're doing our job properly.  
16 But, I think we're going to play that one by ear.

17 **BARBARA NOBLE:** Bill, this may be a question for you. How often is the web site  
18 updated?

19 **BILL WHITEFORD:** As often as needed. Some of the material is updated every week,  
20 especially agendas, result letters, Staff reports. Anybody who has an application in  
21 zoning for the DRO or for a public hearing, you can find your information on line. In fact,  
22 we try to publish as much of it online, as early as possible, and we're on a two week  
23 schedule. The DRO is every two weeks. So you can get your information, your

1 comments, and your Staff comments as quickly as possible and just download them in  
2 your office and you can get to work on them. Some of the information hasn't been  
3 updated in a while, because it hasn't changed. But some of it ... is as current as current  
4 can be.

5 **BARBARA NOBLE:** Part number two of that question is, is Scripts online yet and if it  
6 isn't, when will it be and how often will it be updated? Because it's moving like a rocket.

7 **JOHN MACGILLIS:** There is a link on it. If you go to the County web page, there is a  
8 link that says Scripts and you just go there and it's update daily with news articles.

9 **BILL WHITEFORD:** But, we don't maintain the Scripts page or web site ourselves, but  
10 when they come in and put in an application, you will find the Scripts' Staff report and  
11 that information. And, we keep all zoning petitions online and it would be available for  
12 anybody to download and look at it.

13 **BARBARA NOBLE:** Okay

14 **DAVID CARPENTER:** Recently, when you updated the web page, about a month ago,  
15 whenever it was, everything, the forms previously were available to be filled out online,  
16 hotmail, or whatever, you have a choice. Now the forms are just up, you aren't able to  
17 fill them out online

18 **JON MACGILLIS:** Yeah, David, we're working on that. We have a person in our  
19 technology department that is putting them back on in a form. It's a, it's a lot more work  
20 that we anticipated, it's under progress. I would anticipate it would be a month before  
21 we have it back on. There were three forms, in word, adobe and then the typeable  
22 format will be all available.

1 **BILL WHITEFORD:** One of the good things, and we always said this, our big push last  
2 year, was the new Code, the interactive Code, a web site, our GIS layer, all of the stuff  
3 that's coming together here soon and quickly. And, we just overhauled our web site .  
4 You're gonna find a lot more information on our web site that was not there six months  
5 ago.

6 But the fifth thing is electronic EPZB (phonetic). Which is the electronic submittal  
7 of applications where you'll be able to fill it out online and actually be able to submit on  
8 line. All of that requires a lot of background work as Jon just referenced. A lot of it you  
9 will see in the interactive Code presentations, like, all of that, within the next six  
10 months, actually, well, some of it is already up and running, and available here shortly.

11 **CARMELA STARACE:** This is really going back to the beginning, but I just wanted to  
12 ask Lenny, you know, seeing that there have been city commission meeting where one  
13 of us had to be sick or out of town, and we called in and attended the meeting over the  
14 phone. Are you going to allow that?

15 **LENNY BERGER:** There is a, I think we have done that in the past, but I think it has  
16 been either for illness or for when you've been out of the county and this Board hasn't  
17 really - - different boards address that in different ways, if this Board wants to entertain  
18 that, that's fine. Because, I think even the County Commission has done that one time  
19 that I can remember.

20 **CARLEMA STARACE:** The only reason I ask the question, no matter who we are, a lot  
21 of us, our job puts money on the table for our families. I mean, I'm retired, but there are  
22 a lot of people around the table that have a real job, I hate to put it that way, like you

1 guys. So, if it means a big transaction going on and the person has to be in Chicago,  
2 they shouldn't be penalized, you know what I mean?

3 **WES BLACKMAN:** Especially if it might be their third absence.

4 **CARMELA STARACE:** Exactly. So, I would like you to think about it and entertain it  
5 and see how you want to approach it.

6 **WES BLACKMAN:** That raises another point too. Do we have to adopt new bylaws for  
7 our new organization and will we be penalized?

8 **LENNY BERGER:** I think they're someplace deep, I think so. Also, bare in mind, this  
9 hasn't been done yet, there is no prohibition to having the person whose term was  
10 terminated be reappointed again. If a person's term ends because of absences, there is  
11 nothing to prevent you from being reappointed, if the person who appointed you doesn't  
12 have an issue with it, or if the Board has no issue with it. This is a fairly new policy and  
13 I don't think that the Board - - that the consequences of it have really been flushed out  
14 fully. I haven't heard of any other problems with any Board yet where this has turned  
15 into a problem, but.

16 **CARMELA STARACE:** When someone is looking to not put you back on the Board this  
17 is the first excuse they go to. I can tell you that.

18 **LENNY BERGER:** Well, really, you serve at the pleasure of the Commission anyway  
19 and technically they can --

20 **CARMELA STARACE:** No. Well, I mean yes, in a way. What I mean is we just put  
21 our Board together, and there were certain people that they didn't want on. Actually,  
22 actually, the person had a note and was in the hospital one of the times. But, they didn't

1 want him on and they used that for an excuse. Good bye. So, that like a very - - so,  
2 please, entertain this telephone thing.

3 **MAURY JACOBSON:** I would like to say a couple of things. I don't understand the  
4 rigidity in which this whole issue is being approached. And the idea of being called out  
5 of town, whether you are retired or gainfully employed, is a fact of life. This can happen.  
6 If I were to call you, Lenny, from wherever I am, in Seattle, Washington, will I be able to  
7 participate here, as a person not here? Will you have the facilities here?

8 **LENNY BERGER:** That's a question for the zoning people. This isn't my house. I  
9 think technically, you have the capability of have a speaker phone hooked up in the  
10 room here.

11 **MAURY JACOBSON:** I'll tell you Lenny, I have just assumed that you're my attorney; I  
12 don't care about correct here.

13 **LENNY BERGER:** I understand. But as I said, we discussed this while you were all at  
14 CTF at the Hyatt. This was the Commission elected to do this and it's their call. That's  
15 the hand we've been dealt.

16 Now, as far as the out of town call in, like I said, I believe that other Boards have  
17 done that, and if this Board wants to do that, I think we can do it but, you have to either  
18 be sick or out of the county.

19 **WES BLACKMAN:** It would be nice if the County didn't call out --

20 **CARMELA STARACE:** Can I make a motion?

21 **DAVID CARPENTER:** I think I'm next.

22 **CARMELA STARACE:** Oh, I'm sorry.

1 **DAVID CARPENTER:** I like the no excused absence policy personally, because it  
2 eliminates a myriad of excuses and other people having to weigh it and so forth and,  
3 three absences in the course of a year - - I don't think a person would need that in a  
4 normal session. And, the other reason that I like it, is after the three, if the Board that  
5 appointed you, or the Commissioner that appointed you, still wants you to serve, even  
6 though you weren't showing up at the meetings, then you have to go to that responsible  
7 party, and let them know that you missed the three meetings and are asking to be  
8 reappointed even though, you now, you possibly, weren't representing them. So, and  
9 this Board has had a history of problems related to absenteeism and I think the no  
10 absentee policy will prompt people to show up to the meeting and instead of leaving us  
11 sitting here after a half an hour, an hour after the meeting is supposed to start without a  
12 quorum, which is the typical way that has been happening here, this will prompt people  
13 to show up. So, I think the no absentee policy is something that this Board probably  
14 needs. Because absenteeism is something we've struggled with for a long time.

15 **CARMELA STARACE:** And I agree. I'm not talking about being absent. I'm talking  
16 about being present. And if I am on the phone, and you are stuck with no quorum, you  
17 now have your quorum. So, we can address the problems we have had, so I'm not  
18 talking about absenteeism.

19 **LENNY BERGER:** If we're going to talk about this anymore, I want to make clear, and I  
20 apologize, I didn't have it in front of me, it is three in a row. Not three over a year, or  
21 two-thirds during the calendar year, and it doesn't count special meetings. So it is a  
22 little more lenient than I think we were expecting.

23 Larry?

1 **LARRY FISH:** The only thing I would disagree with that on is if we went to weekly  
2 meeting like we did last year then you need to amend the policy. Otherwise I think three  
3 is a row is fine.

4 **LENNY BERGER:** See, I would interpret that to be a special meeting. I think if you  
5 miss two thirds of the twelve that were up there, that's what we're talking about. Or if  
6 we end up in some crisis mode where we are meeting every week again.

7 **WES BLACKMAN:** Any other questions regarding procedures or regulations that we  
8 have to adhere to before we move on.

9 **JON MACGILLIS:** Actually, before we move on, I wanted to send this around. This is  
10 what Staff has as to everyone's name, telephone number's and e-mail addresses. I'm  
11 gonna send this around. If any e'mail address or if anything is wrong on here, please let  
12 me know. Just leave it with us if anything is wrong. Keep your copy for reference. If  
13 anything is wrong, please let us know.

14 **WES BLACKMAN:** Moving on here, the next item up is the review of the 2003  
15 accomplishments.

16 **BILL CROSS:** Look at attachment three. You're looking at the 2003 accomplishments.  
17 I want to reference that this was the former Citizens Task Force or CTF that many of the  
18 members here previously sat on that is a now a defunct advisory board. We've included  
19 the attendance records of the CTF. But, more importantly, what we've included is the  
20 2003 accomplishments. And these actions were actions that were taken both by the  
21 CTF as well as Staff actions. I'd like to note that the adopted Ordinances that occurred  
22 during this time frame, first and foremost, the Unified Land Development Code was  
23 almost completely rewritten and even though there is only one item indicated here,

1 those former CTF members, I'm sure, can attest to the number of meetings and the  
2 amount of work that went into rewriting this Code.

3 In addition to that, there was also the creation of a Northlake Boulevard overlay  
4 zone, which was a joint party agreement between North Palm Beach, Lake Park, Palm  
5 Beach Gardens, unincorporated Palm Beach County and the Lake Park area, just east  
6 of 95. In addition to that, there were two Ordinances to revise and amend traffic  
7 performance standards, there was an ordinance for health regulations, as well as an  
8 end of the year ordinance to revise the Code for impact fees.

9 In addition to that, the Staff, some of who are with Jon Macgillis now, worked  
10 very hard on the interactive Codes, which had several features that Jon will go into.

11 **JON MACGILLIS:** I'm going to introduce Carol Ann Ready. She is the engineer that  
12 worked on this. She is now an official county employee, but she was a consultant at the  
13 time, last year, when she worked on this with us.

14 As part of the major Code rewrite, the Board of Count Commissioners directed  
15 Staff to develop an interactive Code. The interactive Code Staff took it a step further,  
16 and working with our technology department, incorporated it into the electronic planning,  
17 zoning and building module. The nice thing about that now is that when staff or  
18 eventually when the public gets access to that, they will be able to toggle between the  
19 electronic application and the Code when you are looking for stuff.

20 Some other features that we did on it was wizards, to help people with some  
21 commonly asked questions. Carol Ann will give you a little demo on that. How to  
22 integrate the information in the the Code into the other applications that are tied into the  
23 electronic EPZB. The other major think I've added is incorporating many of the web

1 features that you all are accustomed to, your bookmarks, your video, that you have on  
2 many of your other web pages. We're pretty excited. There is not any Code out there  
3 that is state of the art as this is. With that, I'll turn it over to Carol Ann.

4 **CAROL ANN READY:** Good afternoon. My name is Carol Ann Ready and I am very  
5 proud to present you the EPZB, which stands for Electronic Planning Zoning and  
6 Building Website. This adjunctive is a state of art. Nothing else is out there in zoning.  
7 And here is our premier. There's no champagne, but it's going to be fun.

8 As I said, the EPZB is the Electronic Planning Zoning and Building and the ULDC  
9 is just one part of it. Anyone who signs on, has to click on the disclaimer saying that the  
10 electronic version is not exactly as the adopted copy. Because we have some  
11 interactive features that, at times, could not be up to date, based on technology. So  
12 everyone has to agree to get in.

13 Then here we have our ten tabs. The main feature tab will take you back to other  
14 applications that presently being used by internal Staff members. If you don't have a lot  
15 of time, you can always go to the online demo. This will give you an idea of the overall  
16 of the Code. If you go through all the functionalities of all these ten tabs, it will give you  
17 a brief overview. It will also help you get familiar with navigating through the Code. It  
18 helps with any of your learning skills to get you up to speed. We are also going to have  
19 an online help for you as well.

20 Up here in the corner, you can navigate forward, if you missed something, like I  
21 always do on these help lines. You can also go backwards, and read a little bit more, or  
22 you can go to the end of your document, forward, or start all over again.

1           It also has some audio features with it as well. So you would have to turn your  
2 audio features and volumes on speakers okay?

3           So, basically, I'm gonna go through and give you the real thing, based on this.

4           Now, the first tab we have here is the prior Ordinances. Can you believe that we  
5 have the years 1957 to 2003 online? I think that is very exciting. You don't have to go  
6 through a stack of books looking for anything. They will be in PDF format. You may be  
7 asked to download Adobe, but I think that most people have computers are very familiar  
8 with that format. The portable document format. And you will be able to access all of  
9 your information online. And we go right down to 1957.

10          Next, we have all the Articles in the officially adopted version, which is what is at  
11 your desk, this is what we printed from this. We actually encourage you to use this  
12 version, if you have any questions, we ask that you use this version, because this will  
13 be consistent with what is in your book. And you'll go to those page numbers, and  
14 everyone will be on the same page, literally, okay. I know that with the PDF version,  
15 some of the numbers were off, this is exactly right. No mistakes. The functionality of  
16 the PDF, we have bookmarks. I don't know if people are familiar, but you can also  
17 come in here and link to a version of the Code and go in.

18          There is also navigation that is available using the binoculars or the control F on  
19 your computer. You can come in and click a word that you are looking for within the  
20 entire Article. This gives you search functionality within the entire Article. And you will  
21 come in, and you want to search some more and it will go right to that specific word.  
22 Okay. It's really a great feature, especially with a document this large.

1           Our next functionality is the definitions. The definitions are listed A through Z and  
2 they are linked to what is in the ULDC. Definitions in the ULDC. So, here we have, it  
3 will come up, and it will go right to the specific, to that particular definition you are  
4 looking for or to that particular part of the Code.

5           The bookmark functionality can bookmark parts of the Code that you frequently  
6 use and it is only available with a user I.D., okay? So, let's say for instance, that you  
7 need to go to a certain section of the landscape Code, you can bookmark it just like you  
8 do with your favorites like when you navigate on your explorer.

9           Now we get to the main feature. And that is the interactive Code. Now, here we  
10 have the Articles listed 1 through 18 and this is actually, this Code, in HTML, is like a  
11 seven thousand page web site, that is fully navigational. You can search the entire  
12 Code using a search key that I will get to. The Code also has video and audio.

13           John has put together a historical Code in prospective, it's fabulous. I'm going to  
14 do a demo on it. You will probably be prompted to download REALPLAYER. It will  
15 come in really great. They were all done in house. They are really professional. They  
16 did a great job. They have music and audio with them and they're very educational.

17           The Historical Code, I actually encourage you to view that. It's really very, very  
18 good.

19           So, within the Article navigation, you have the option, if you don't have a real fast  
20 computer, you can just to a text version, or you can click on a text and graphic version  
21 which would give you illustrations and a text within the Code. Then you can go to each  
22 Article. It comes up here. Article five if you want to, Article seven. Within the code, if  
23 you click on the first house, the entire Code is here for Article Seven. You have

1 navigation from the bottom, you can go over to ten, you can go to the last page of the  
2 Code, immediately. Come in, there's graphics. It's very explicit. It helps the user,  
3 hopefully, to get more explicit details on what they are trying to understand within the  
4 Code because of the complexity of the document and, as well, it will hopefully make  
5 less phone calls to the office and walk ins. That's what we were hoping to accomplish.  
6 So, the navigation is one through eighteen and you just click and go away.

7 Now, the wizard and the FAQs were also developed by Jon, it was his input and  
8 his Staff. We have about two hundred frequently asked questions and they will add, it  
9 all the questions that people come in and ask, you know, what is my land use  
10 designation or what can I do on my land. We have tried to incorporate typical questions  
11 to help the general public. They can even search by keyword in there.

12 As well, we have a PCN wizard that will help people with knowledge of their  
13 property, what's be done, permits and so forth, and a planned information database that  
14 will help people within Florida to know what type of plans they may use or may not use  
15 on their property. It's very detailed. You can come in and search it by trees, submit it  
16 and then it will generate a report, a whole report, or you can go to a specific tree and  
17 get that information as well. I mean it's very detailed. We have the illustrations as well  
18 that are specific to the Code that are show up within the various Articles. If you just  
19 need to go to an illustration, you can just search in here and find what you're looking for.  
20 They are done by topic. The keyword search is probably what you will be using a lot of.

21 We encourage you to use this feature, you might want to open up the PDF so  
22 you can see the entire document. You can search by topics. You can search by word  
23 index. As you come in, you can search a particular Article, or, if you wanted to see all of

1 the Articles, an exact phrase, all the words or any of the words, just put it in, put in your  
2 word search, it brings up all of the occurrences of that word in the Code. You click. It  
3 comes through. Then you have navigation back and forth if that is not what you are  
4 looking for in that particular area. As well as you have links to Florida Statutes and  
5 outside links. You don't have to go anywhere or ask anybody for anything. It's all here.

6 Basically, If you have any questions, I will be glad to answer them.

7 **MAURICE JACOBSON:** Well, two things. My compliments to you and your Staff,  
8 whoever is responsible for this.

9 **CAROL ANN READY:** It's a collaborative effort.

10 **MAURICE JACOBSON:** But I'm curious about something. What sort of music do you  
11 have in this thing?

12 **CAROL ANN READY:** Really? Well, no rock. We don't have any rock.

13 **MAURICE JACOBSON:** I'm curious. What generation or what era?

14 **CAROL ANN READY:** It's a combination of various music. I would say elevator music.  
15 There is a variety of music. They thought that it would help with the navigation. You  
16 know, sometimes reading can get a little boring?

17 **CARMELA STARACE:** I'm just curious, where are you going to be advertising this?  
18 Where is it going to be? Can you put that on the bottom of your agenda of the county  
19 commission meetings and things like that?

20 **JON MACGILLIS:** Where we are now is that we just finished publishing the document.  
21 It took almost three months for us to do it. So, right now, only Staff has been using the  
22 test version.

23 **CARMELA STARACE:** Okay.

1 **JON MACGILLIS:** We will be releasing the full version to them this week and then  
2 training the zoning and building Staff on it and DRO agencies and agents and working  
3 our way out to the public. We would hope within two months to have it online. So,  
4 when you go to our web page, when you click on ULDC you'll get PDF version or the  
5 interactive version.

6 **WES BLACKMAN:** Any other questions?

7 **BILL WHITEFORD:** An interesting statistic is that we've only printed fifty copies of the  
8 Code. Last year, when we were doing the drafts and what not, we were printing four  
9 hundred at a time. We've only printed fifty because of the information being available  
10 online.

11 **CAROL ANN READY:** And I might add that the zoning Staff this all in a word document  
12 but was then converted in this application. It's really fascinating.

13 **WES BLACKMAN:** Great, interesting. Moving on. We are at the 2004 work plan.

14 **BILL CROSS:** With that, we are on our final and last attachment. This will be our 2004  
15 work plan. We have two sections of this for you. The first section are those items that  
16 we know for a fact are going to be reviewed by the LD-RAB this year and they are  
17 already working on.

18 The first one is general issues items is glitch revisions. These are going to be  
19 grammatical revisions or anything that was to be added or that were left out of the Code  
20 that was approved last year by the Board of County Commissioners. Staff is already  
21 working on this and we anticipate this for the next meeting. We will be presenting to  
22 you a round of glitch amendments. We have a window open to accept amendments for  
23 Staff and other persons currently at the end of April. We may be revising that

1 depending on the time line. Therefore, we won't be able to present to you, all at one  
2 time, at the next meeting, all the current glitches, as we may still receive more.

3 In addition, the West Gate Community Redevelopment Agency has been working  
4 with the Planning Division and they have already been to LUAB on revisions to the West  
5 Gate Overlay Redevelopment Plan.

6 There will be some minor revisions to the Code at this time, as I understand it, to  
7 the portions of the Code that applies to the WCRA (phonetic) and the area overlay.

8 In addition, the Department of Airports indicated that they will be rewriting their  
9 portion of the Code, Airport Regulations, Article Sixteen. That one item that may or  
10 may not require the Board, it can use it's discretion, to form a sub-committee to  
11 address this per item.

12 Other potential revisions that you may or may not have heard about in the news  
13 or through other channels is first and foremost, the Scripts Research Center. That  
14 development, as we discussed earlier, is going to be going the fast track as being  
15 discussed by the Planning Division, Board of County Commissioners, as well as the  
16 Zoning Division. At this time we don't have any specific amendments to discuss in  
17 detail, but we do anticipate that there might be some minor revisions to accommodate  
18 that development at which time we will be presenting that to you.

19 In addition, we have Article Three, Traditional Market Place Development. The  
20 CTF last year, reviewed this item and it was presented to the Board of County  
21 Commissioners however, it was pulled by the BCC and given back to the Staff with  
22 additional research and brought back to the BCC and, at that time, we may or may not  
23 anticipate additional changes, per their direction.

1 Sign amortization, last month, the Zoning Division held a workshop for the Board  
2 of County Commissioners to discuss the sign amortization program, leading to the  
3 direction of a pilot program. Again, that may or may not require changes to the Code.

4 Infill Redevelopment, as mentioned before by Isaac Moyos, from the Planning  
5 Division. The Planning Division has undertaken an infill redevelopment study at which  
6 time when they conclude that we will incorporate any required revisions as required by  
7 the Land Development Code.

8 Most recently, and you will notice, this is not included in the handout, but we  
9 have been directed by BCC to look into big boxes, or large retail developments in  
10 excess of 100,000 square feet per single tenant. We don't have any information or  
11 specific information for you at this time, but we will be researching that further.

12 In addition, we have been notified that the Planning Division may or may not be  
13 making revisions to the Historic Preservation element, as well as the voluntary density  
14 bonus program and it's effects on the workforce housing portion of the compound. As  
15 we learn more, we will of course, keep you up to date. At some future time this year,  
16 you may expect to see those items for review.

17 **BILL WHITEFORD:** Any thing under general discussion or questions on our 2004 work  
18 plan?

19 **CARMELA STARACE:** On the big box, that you had, that Bill had, not only the  
20 structure of the building but you're going to speak to maybe changes of landscaping?  
21 Cause some of these big boxes need to have a six foot buffer. So, that's going to be  
22 addressed also?

1 **BILL WHITEFORD:** It's on the table. The Board is concerned about the impact of big  
2 boxes popping up in the community. They've gone from big boxes to super big boxes.  
3 They are not longer just big boxes, or a really big box. They have asked us to see  
4 what we could do to make them more compatible, dress them up. Not necessarily go  
5 away. But, how we can make them a good quality development, a better project. That  
6 involves everything from architecture to signage to working with the developer to get  
7 them to redefine their footprint a little bit, their internal orientation of usage and trying to  
8 get more public interest, that type of thing, walkability.

9 **CARMELA STARACE:** Good.

10 **WES BLACKMAN:** Anything else under general discussion?

11 **DAVID CARPENTER:** One of your categories was Infill Redevelopment. Now, I was  
12 wondering. Generally, I thought of infill as being an undeveloped site in an otherwise  
13 developed area, so I was wondering about the term, "infill redevelopment"?

14 **BILL WHITEFORD:** Planning did a workshop with the Board and they recognized that  
15 they are two different things. A lot of time they use a slash. Infill/Redevelopment. It's  
16 not infill redevelopment one term. It's infill and redevelopment. Both were address by  
17 the Board at a workshop and will be addressed by us the same way, infill and  
18 redevelopment. Try to discern a little bit between the two.

19 **DAVID CARPENTER:** I mean, I think a lot of people realize that redevelopment is the  
20 next biggest thing that the Code needs to address and I mean, our Code has typically  
21 addressed new development.

22 **BILL WHITEFORD:** We had a couple of the County Commissioners, we had some of  
23 those more urbanized areas, Commissioner Koons, Commissioner Newell... it's a hot

1 issue for them. They talk about it all the time. They actually really wanted us to  
2 address is part of the Code Revisions that we did last year, but it's such a big topic and  
3 there wasn't time to get the project done before the end of the year to do it. So, we told  
4 them that we were going to do it this year. But, we couldn't do any action and bring it to  
5 you until after the workshop that Planning had, which was only last month.

6 **DAVID CARPENTER:** Okay.

7 **BILL WHITEFORD:** D.J.?

8 **D.J. SNAPP:** This is a hot bud with me. I've been harkin' on infill regulations and  
9 special development regulations because it is where the county is going. I've had  
10 several discussions with Commissioner Newell on this. I am wondering, if they've got  
11 comments or input, who in particular from Planning should we send that to before it gets  
12 here.

13 **ISAAC HOYOS:** The person in charge is Patrick Rutter. He is the chief planner.

14 **BILL WHITEFORD:** And I think that they do need to be taken together because  
15 although they kind of overlap, especially in some infill areas you may have some small  
16 vacant parcels that kind of got passed over, they would be considered infill, but the best  
17 way to develop it to attach other previously developed parcels to them in a dozen  
18 different combinations.

19 **WES BLACKMAN:** Bill, you wanted to ask something?

20 **BILL CROSS:** Staff also has several items under our general discussion that I'd like to  
21 bring to your attention.

22 First and foremost, under confirmation of attendance, we will be sending e-mails  
23 out, to those who have e-mail addresses, the week before a meeting to remind you. We

1 will also have secretaries calling you on Monday to confirm your attendance. If you  
2 would, please be sure on that day if you plan on attending and have yourself or  
3 somebody else available to respond to the secretaries so we can determine if we have  
4 a quorum or not for that meeting.

5 To assist us in that, as well as mailing out the meeting packages, we mail out  
6 one week in advance, we ask that you review the roster that we handed out to make  
7 sure all of your contact information is correct as well as your professional credits or  
8 credentials and any information, addresses, e-mail addresses, telephone numbers, so  
9 we have the proper information to contact you at the right place

10 In addition to that, the roster, phone attendance, and prior credits, with that I  
11 close. Is there anything else that we would like to have added to the agenda for next  
12 month?

13 **WES BLACKMAN:** Jon, and then we'll....

14 **JON MACGILIS:** The Zoning Division met yesterday with the Airport after meeting with  
15 them on numerous occasions. You will recall last year rewriting the entire Article about  
16 fifteen airports and then they pulled it out and brought it to the County Attorney's Office  
17 for review? They have come back to us. They are going to rewrite the entire Article.  
18 Knowing the past, we thought that a sub-committee would be appropriate.

19 So, they said, we wanted to bring that up today to ask you if you would like for  
20 form a sub-committee. Do you think it's appropriate to set up a sub-committee to deal  
21 with the technical issues for the rewriting of the Airport Ordinances? If not, that's fine.

22 **WES BLACKMAN:** I don't see any volunteers.

1 **BILL WHITEFORD:** You know what I would suggest is that you see it first and then  
2 decide if you want to grapple with it and if not, then set up a sub-committee because it  
3 could involve, and the idea behind the sub-committees was to get people on board who  
4 have more technical expertise in that particular area, then everyone else in this group.  
5 We did that with architectural guidelines, we did it with landscaping, we do it with  
6 nurseries, we do it with signage. Same idea. So, maybe take a look at it when you get  
7 it and decide how you want to handle it at that time. If you feel comfortable handling it  
8 amongst yourselves.

9 **CARMELA STARACE:** Are we going to be able to change flight patterns?

10 **BILL WHITEFORD:** There is a lot of stuff, information, airport zones and noise, all  
11 sorts of issues.

12 **DAVID CARPENTER:** I served on that Board. I think it was like six or eight years ago  
13 when I think D.J. was on it. It deals with noise levels. One thing I think is important to  
14 the home builders and construction industry is the additional soundproofing and so forth  
15 that's required in the zones based upon the decibel levels. And, of course, the airport  
16 overlay zone is a big area also. So, that's mainly what that is.

17 **BILL WHITEFORD:** Maury, you got a comment?

18 **MAURICE JACOBSON:** I've got a comment. It's kind of an invitation to everybody  
19 here. About a week ago I received an invitation. Is anyone familiar with the Plaza de  
20 Mar, next door to it a beautiful, wonderful restaurant called Caleros (phonetic). If you  
21 come tonight, anytime after five, and Danny assures me there will be plenty of food.  
22 You will either get me roasted or toasted, I don't know which. I'm delighted to invite you  
23 folks because it will add some additional class.

1 **LEONARD TYKLKA:** Being not part of the pack, well, actually I was, a long, long time  
2 ago, when we first wrote this two hundred pound book, one of the things that I have a  
3 question about is how do we, as members of the group, and I apologize for boring  
4 everybody, but how do we, as members of the group, bring to light, or bring to the table,  
5 an issue that we believe have been covered in the Code but have not necessarily been  
6 fairly covered in the Code or things that are in conflict with the Code?

7 **WES BLACKMAN:** Well, I can think of two ways. Number one, there are general  
8 board member comments as part of each of our agendas so, if you want to report at that  
9 time, that would be an appropriate time. Or, individually outside the Board if you have  
10 an issue with Staff, I'm sure we would entertain a meeting. Do you have anything else  
11 to add?

12 **BILL WHITEFORD:** I would say, you know Len, or anyone else on this Committee  
13 representing an interest group, if you know of an issue that you need to bring to our  
14 attention, take the opportunity on your ability to comment during these meetings or  
15 contact us outside these meetings, you can contact Bob, and inform him about the  
16 concern or the issue, and we can either clarify it for you and address it, or put it on an  
17 agenda for a meeting.

18 We try to handle it informally. If there's a concern that has been brought to our  
19 attention, by the industry or the man on the street, we're gonna bring it to your attention.  
20 If we can't clarify it and address it then they will be invited to participate and listen and  
21 make comment if that's the Board's pleasure. Carmela?

22 **CARMELA STARACE:** I was just going to say that the glitch has been a lot really that  
23 we've changed, but is has been produced more by Staff more than by us. But I think

1 what Len was saying, it would be the same thing at a counsel meeting. If we have  
2 something, we will bring it up. If it's a concern and we will say to you want to discuss it  
3 or agendasize it for the next meeting.

4 **WES BLACKMAN:** Each meeting with adopt the agenda and we can change it at that  
5 time. Yeah, D.J.?

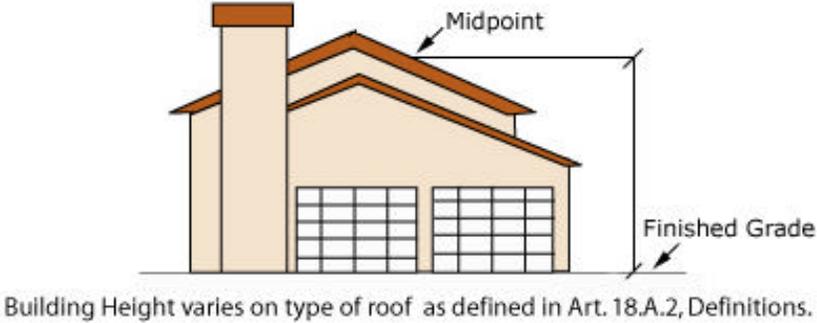
6 **D.J. SNAPPER:** There are basically three ways for review that come in front of us. It's  
7 either designated by the County Commission, we want you to study this and change the  
8 sign Code, or whatever it is. Or, it's Staff driven, which is usually industry driven or  
9 problems that they're seeing or consumer complaints or whatever. Then it gets  
10 generated and a proposed Ordinance gets sent to us for review. And the third way is  
11 internally generated by us. That typically is one issue may come up and then a related  
12 issue, then somebody on the Board thinks we need to address that issue and the Staff  
13 will say, okay and put it on the list or we can't do it right now because of other  
14 constraints, but we will put it on the list. And it comes back to us. Or it is something  
15 that we are dealing, related to what we are dealing with and they just put it in, and blend  
16 it into things.

17 **WES BLACKMAN:** Anything else? Our next meeting will be May. We're adjourned.

18 (Thereupon the meeting was concluded at 3:34 p.m.)

**ARTICLE 1, GENERAL PROVISIONS**  
**SUMMARY OF AMENDMENTS**

**Last Revised 5/06/04**

ULDC Article/Section Page Number	Code Provision*	Reason for Amendment
<b>Figure 1.C.4.A-1</b> Typical Example to Measure Depth <b>Page 10 of 25</b>	<b>Figure 1.C.4.A-1- <del>Typical</del> Example to Measure Depth</b>	Amendment – Corrected Deleted Typical.
<b>Fig. 1.C.4.A-2</b> Typical Example of Measurement of Distance from Center Line to Site Element <b>Page 11 of 25</b>	<b>Figure 1.C.4.<u>AB</u>-2 - <del>Typical</del> Example of Measurement of Distance from Center Line to Site Element</b>	Amendment – Corrected reference and deleted Typical.
<b>Fig. 1.C.4.A-3</b> Typical Example of Measurement of Distance to a Specific Site Element (Parking Space) <b>Page 11 of 25</b>	<b>Figure 1.C.4.<u>AB</u>-3 - <del>Typical</del> Example of Measurement of Distance to a Specific Site Element (Parking Space)</b>	Amendment – Corrected reference and deleted Typical.
<b>Fig. 1.C.4.A-4</b> Typical Example of Measurement of Building Height <b>Page 12 of 25</b>	<b>Figure 1.C.4.<u>AC</u>-4 - <del>Typical</del> Example of Measurement of Building Height <u>for Gable, Hip and Gambrel Roofs</u></b>  	Amendment - Added title to clarify types of roofs and amended figure to correct measurement line.
<b>Fig. 1.C.4.A-5</b> Typical Example of Measurement of Fence/Wall Height <b>Page 12 of 25</b>	<b>Figure 1.C.4.<u>AC</u>-5 - <del>Typical</del> Example of Measurement of Fence/Wall Height</b>	Amendment – Corrected reference and deleted Typical.
<b>Fig. 1.C.4.A-6</b> Typical Example of Measurement of Hedge Height <b>Page 12 of 25</b>	<b>Figure 1.C.4.<u>AC</u>-6 - <del>Typical</del> Example of Measurement of Hedge Height</b>	Amendment – Corrected reference and deleted Typical.
<b>Fig. 1.C.4.A-7</b> Typical Example of Measurement from Centerline <b>Page 13 of 25</b>	<b>Figure 1.C.4.<u>AD</u>-7 - <del>Typical</del> Example of Measurement from Centerline</b>	Amendment – Corrected reference and deleted Typical.

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**ARTICLE 1, GENERAL PROVISIONS  
SUMMARY OF AMENDMENTS**

**Last Revised 5/06/04**

ULDC Article/Section Page Number	Code Provision*	Reason for Amendment
Fig. 1.C.4.A-8 Typical Example of Separation from Structure Page 14 of 25	Figure 1.C.4. <del>AE</del> -8 - <del>Typical</del> Example of Separation from Structure	Amendment – Corrected reference and deleted Typical.
Fig. 1.C.4.A-9 Typical Example of Separation from A Property Line Page 14 of 25	Figure 1.C.4. <del>AF</del> -9 - <del>Typical</del> Example of Separation from A Property Line	Amendment – Corrected reference and deleted Typical.
Fig. 1.C.4.A-10 Typical Examples of Measurement for Surface Area Page 14 of 25	Figure 1.C.4. <del>AH</del> -10 - <del>Typical</del> Examples of Measurement for Surface Area	Amendment – Corrected reference and deleted Typical.
Fig. 1.C.4.A-11 Typical Examples of Measurement from Improved R-O-W Page 15 of 25	Figure 1.C.4. <del>AI</del> -11 - <del>Typical</del> Examples of Measurement from Improved R-O-W	Amendment – Corrected reference and deleted Typical.
Art.1.E.1.C.1 Modifications to Previous Approvals Page 15 of 25	1. <b>Modification to Previous Approvals</b> Modifications to previous approvals shall comply with this Code to the <b>greatest</b> extent possible <del>for in</del> the affected area. All other requirements of this Code shall apply.	Amendment – To clarify to what extent.
Fig. 1.F.3-13 Nonconforming Structures Page 19 of 25	<p>Figure 1.F.3-13 – Nonconforming Structures</p> <pre> graph TD     A["A. Maintenance ≤ 20% Assessed value (ie. 100,000 x 20% = \$20,000 max) Improvements permitted"] --&gt; B["B. Renovations ≤ 20% Assessed value – by right (ie. 100,000 x 20% = \$20,000 max) &gt; 20% ≤ 30% Assessed value – with variance (ie. 100,000 x 30% = \$30,000 max)"]     B --&gt; C["C. Damage/Repair ≤ 30% Assessed value (ie. 100,000 x 30% = \$30,000 max)"]     Note["For the purpose of calculating maintenance, renovation and or damage / repair to non-conforming structures"]   </pre>	Scrivener's error - revised figure to correct calculations and methods of calculation.

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**ARTICLE 1, GENERAL PROVISIONS  
SUMMARY OF AMENDMENTS**

**Last Revised 5/06/04**

ULDC Article/Section Page Number	Code Provision*	Reason for Amendment
<p><b>Fig. 1.F.4.B-14</b> Nonconforming Lots &amp; Setbacks Page 22 of 25</p>	<p><b>Figure 1.F.4.B-14 - Nonconforming Lots &amp; Setbacks</b></p>	<p>Scrivener's error - revised figure to clarify dimension of conforming lot, and correct measurement used for non conforming lot.</p>

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**ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES  
SUMMARY OF AMENDMENTS**

**Last Revised 5/06/04**

ULDC Article/Section Page Number	Code Provision*	Reason for Amendment
Art. 2.A.1.B Definitions – Adequate Public Facilities Determination (APF) Page 7 of 51	<del>Adequate Public Facilities Determination (APF) – a determination approved by the Zoning Director, based upon the present public facility capacity, that adequate public facilities are available to serve the development at the time of the approval of the Adequate Public Facilities Determination.</del>	Deleted – Process no longer used.
Art.2.A.1.D.1.c Board of Adjustment (BA) Page 9 of 51	<p><b>c. Board of Adjustment (BA)</b> The BA shall consider application for appeals and variances. The BA is <b>not</b> granted the authority to hear and take action and decide variances from <b>only</b> the following:</p> <p><u>1) Art.1, General Provisions;</u> <u>2) Art.2, Development Review Procedures</u> <del>1)3) Art.3, Overlays and Zoning Districts, excluding: Art.3.B.3, COZ, Conditional Overlay Zone and Table 4.A.3.A-1, Use Matrix; Art.4, Use Regulations, excluding Art.4.A, Use Classification; and Art.4.D, Excavation; Art.5, Supplementary Standards excluding Art.5.F, Legal Documents, Art.5.G, Density Bonus Programs and Art.5.D, Parks and Recreation – Rules and Recreation Standards. ;</del> <u>4) Art.4, Use Regulations (excluding provisions in Art.4.D.5.C, Type IA Excavation, and Art. 4.D.5.D, Type IB Excavation);</u> <u>5) Art.5.D, Park and Recreation – Rules and Recreation Standards;</u> <u>6) Art.5.F, Legal Documents (excluding provisions in Art.5.F.2, Easements);</u> <u>7) Art.5.G, Density Bonus Programs;</u> <u>8) Art.13, Impact Fees;</u> <del>2) 9) Art.6, Parking; Art.7, Landscaping (excluding provisions in Art.14, Environmental Standards, which are regulated by ERM);</del> <del>3) Art.11, Subdivision;</del> <del>4) Art.16, Airport Regulations.</del> <u>10) Art.15, Health Regulations;</u> <u>11) Art.17, Decision Making Bodies; and</u> <u>12) Art.18, Definitions.</u></p>	Amendment – To clarify the proposed those Articles/ Sections from which the BA cannot grant variances.
Art.2.A.1.E.1 Site Plan Review Page 10 of 51	<p><b>1. Site Plan Review</b> The applicant shall specify in the application whether the pre-application conference is requested for a conceptual site plan review. <del>The applicant shall specify in the application whether the pre-application conference is requested for a conceptual site plan review.</del></p>	Deleted – Redundant language.
Art.2.A.1.I.4 Application Modification after Certification Page 11 of 51	<p><b>4. Application Modification after Certification</b> Applications shall not be significantly modified after certification, unless requested or agreed to by PBC. Significant modifications to proposed site or master plans within ten days of a scheduled public hearing date shall result in a postponement. For the purposes of this Article, a modification shall be considered significant if it exceeds 30 percent or more change from the <del>original application or</del> <b>certified</b> plan.</p>	Amended – To apply to certified plan only.
Art.2.A.1.L.5.b DRO Page 14 of 51	<p><b>b. DRO</b> Applications for a development order continued or postponed for more than six months by the DRO must obtain approval from the Zoning Director. All applications that have been <b>continued or</b> postponed for more than six months without approval from the Zoning Director, shall be administratively withdrawn.</p>	Amendment – to clarify.
Art. 2.A.1.Q.2 Development Orders Not Implemented Page 15 of 51	<p><b>2. Development Orders Not Implemented</b> All development orders which <del>are</del> <b>were</b> never implemented shall be either:</p>	Scrivener's error – corrected tense of word.
Art. 2.A.1.S.1.b DRO Approval Page 16 of 51	<p><b>b. DRO Approval Appeal</b></p>	Scrivener's error – corrected word.

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**ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES**  
**SUMMARY OF AMENDMENTS**

**Last Revised 5/06/04**

ULDC Article/Section Page Number	Code Provision *	Reason for Amendment
Art.2.B.1.C.2 Time Limitations Page 18 of 51	<b>2. Time Limitations</b> A rezoning shall be reviewed <del>two years after the approval of the map amendment,</del> pursuant to Art.2.E, Monitoring, <del>if a subsequent development order has not been issued.</del>	Deleted – Incorrect text.
Art. 2.B.3.B.2.a [Related to Airport Variance] Page 20 of 51	<del>a. Application for a variance from the Airport Zoning regulations shall comply with the review procedures in Art.16.C.F.2, Variances.</del>	Deleted – Text specified in Article 16.
Art. 2.E.1.B.2.a [Related to Applicability] Page 33 of 51	a. Any development order for rezoning to the Public Ownership District (PO) <b>or publicly owned land in the Conservation District (CON)</b> which does not have an approved conditional use;	Amendment – Added reference to CON district.
Art.2.E.2.A.1 [Related to Suspension of Development Orders] Page 33 of 51	1. Upon expiration of any time period established by this Code or for any failure to comply with, or continued violation of a condition of development approval, except for a condition imposed by the DRO or a condition for which a complete administrative time extension application has been submitted, no new development orders affecting the property shall be issued by PBC, and no action which might tend to vest the development order shall be permitted, except as permitted by Art. 2.E.2.A.5, <del>Procedures for Rezoning</del> , until a final determination...	Scrivener's error – No title for reference.
Art.2.E.2.A.2 [Related to Suspension of Development Orders] Page 33 of 51	2. This suspension of development rights shall have the following effect on new petitions and <del>C</del> code enforcement actions:	Scrivener's error – Not required to be capitalized.
Art.2.E.2.A.3 [Related to Suspension of Development Orders] Page 33 of 51	3. Upon the expiration of any time period except for a time period to comply with a condition of approval imposed by the DRO, or when a complete administrative time extension application <b>for a time certain condition of approval</b> has been submitted, or upon....	Amended – Added specific language to clarify.
Art. 2.E.2.A.4.c [Related to Suspension of Development Orders] Page 34 of 51	c. This document shall only be recorded upon 1) payment of all status report fees as established from time to time by the BCC; 2) payment of any outstanding liens or debts owed on the subject property to PBC ( <b>not required for administrative time extensions for time certain conditions of approval</b> ); and 3) reinstatement of an expired standard development agreement if required to comply with adequate public facility standards.	Amended – Added specific language.
Art. 2.E.2.B.2.c Conditions of approval requiring the posting of Performance Security pursuant to Art. 12.C.2, Conditions Page 35 of 51	<b>c. Conditions of approval requiring the posting of Performance Security pursuant to Art. 12.C.2, Conditions</b> A one-time administrative time extension not to exceed six months shall be the maximum. <b>Conditions of approval that provide a deadline for obtaining building permits, may be provided an additional ninety (90) days if a complete building permit application has been submitted to the Building Division prior to this deadline.</b>	Amended – Added specific language.
Art. 2.E.2.D.2.e Related to Status Report Review Criteria Page 36 of 51	e. a review of criteria set forth in Art. 2.E.2.B.4, Administrative Extension of Time, for status reports prepared for failure to comply with a condition of approval;	Scrivener's error – Corrected reference.
Art. 2.E.2.D.3 Status Report – Additional Criteria Page 36 of 51	<b>3. Status Report – Additional Criteria</b> After the expiration of time extensions totaling four or more years approved by the BCC or ZC, the BCC or ZC may consider changed circumstances and compatibility issues. <b>4. Staff Recommendation</b> Based on <del>2 and 3 above</del> the factors <b>identified in Art. 2.E.2.D.2, Status Report Review Criteria, and Art. 2.E.2.D.3, Status Report – Additional Criteria</b> , staff shall make a recommendation for one or more of the actions identified in Art. 2.E.2.D.6, Procedure for Rezoning.	Scrivener's error – Corrected reference. Deleted/Amended – Added specific language.

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**ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES  
SUMMARY OF AMENDMENTS**

**Last Revised 5/06/04**

ULDC Article/Section Page Number	Code Provision *	Reason for Amendment
Art.2.E.2.D.4 Related to Procedures Page 36 of 51	<b><u>4. 5. Procedures</u></b> Consideration of all actions permitted by Art.2.E.D. <del>6.8.b, Procedure for Rezoning,</del> except a rezoning shall occur in the following manner:	Scrivener's error – Corrected reference.
Art. 2.E.2.D.4.b.3) Procedures Page 36 of 51	3) A statement that review may result in one or more of the actions identified in Art. 2.E.2.D. <del>6.8.b, Procedure for Rezoning;</del>	Scrivener's error – Corrected reference.
Art. 2.E.2.D.5 Procedures for Rezoning Less than Ten Acres Page 36 of 51	<del>5. 6. Procedures for Rezoning Less than Ten Acres</del>	Scrivener's error – Corrected reference.
Art. 2.E.2.5.b. Mail Notice Page 37 of 51	<b>b. Mail Notice</b> The owner of record shall be notified in writing of the Executive Director's status report and recommendation to the BCC. Written notice shall consist of a letter sent at least 30 calendar days prior to the hearing by certified mail, return receipt requested, in accordance with F.S. §125.66(4)(a) <del>2</del> . In the event that the owner fails to acknowledge receipt of mail notice or the notice is returned unopened, newspaper publication, as set forth below, shall be deemed sufficient notice. In addition to the requirements of F.S. §125.66(4)(a), written notice shall include the items as stated in Art. 2.E.2.D. <del>3 5.b.1)-6) above.</del>	Scrivener's error – Corrected reference.
Art.2.E.2.D.6 Procedure for Rezoning Ten or more Acres Page 37 of 51	<del>6. 7. Procedure for Rezoning Ten or more Acres</del>	Scrivener's error – Corrected reference.
Art.2.E.2.D.6.b Mail Notice Page 37 of 51	<b>b. Mail Notice</b> The owner of record shall be notified in writing of the Executive Director's status report and recommendation to the BCC and shall be noticed in accordance with F.S. §125.66(4)(b)3. Written notice shall consist of a letter sent at least 30 calendar days prior to both the first and second hearings <del>s</del> by certified mail, return receipt requested to the last known address of the owner of record as it appears in the official records of the PBC Property Appraisers Office. In the event that the owner fails to acknowledge receipt of mail notice or the notice is returned unopened, newspaper publication, as set forth below, shall be deemed sufficient notice. written notice shall include the items as stated in Art. 2.E.2.D. <del>3-5.b.1)-6) above.</del>	Scrivener's error – Corrected reference.
Art. 2.E.2.D.7 Decision of the BCC or ZC for failure to comply with the following: Page 37 of 51	<del>7. 8. Decision of the BCC or ZC for failure to comply with the following:</del>	Scrivener's error – Corrected reference.
Art. 2.E.2.D.7.b.1).a) [Related to Decision of the BCC or ZC for failure to comply with the following:] Page 37 of 51	a) To commence development, utilize a conditional or requested use, or record a plat for a period not to exceed 24 months. The term of the time extension shall commence upon the expiration of the date to complete the time certain activity, or the expiration of the last extension, whichever is applicable. A time extension shall only be granted if the development order is consistent with the Plan and the Code. <del>When an inconsistency has been identified, conditions of approval shall be amended or added to cause the development order to be consistent. Options, which may be used to cause the Development Order to be consistent, include revocation of Concurrency, and the amendment of Conditions of Approval.</del>	Amended – To be consistent with current process.

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**ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES**  
**SUMMARY OF AMENDMENTS**

**Last Revised 5/06/04**

ULDC Article/Section Page Number	Code Provision *	Reason for Amendment
<b>Art. 2.E.2.D.8</b> Decision of the BCC or ZC for failure to comply with a condition of approval which requires the posting of performance security pursuant to Art. 12.C.2, Conditions. <b>Page 38 of 51</b>	<b>8. 9. Decision of the BCC or ZC for failure to comply with a condition of approval which requires the posting of performance security pursuant to Art. 12.C.2, Conditions.</b>	Scrivener's error – Correct reference.
<b>Table 2.E.3.B-1</b> Time Limitation of Development Order for Each Phase <b>Pages 40 and 41 of 51</b>	<i>See table below.</i>	Amended – Delete redundant text. Correct numbering of notes

**Table 2.E.3.B-1 - Time Limitation of Development Order for Each Phase**

TYPE OF DEVELOPMENT ORDER	MAXIMUM NUMBER OF PHASES	NEXT REQUIRED ACTION OR DEVELOPMENT ORDER	MAXIMUM TIME TO RECEIVE DEVELOPMENT PERMIT OR COMMENCE DEVELOPMENT	MAXIMUM LENGTH OF ADMINISTRATIVE TIME EXTENSION <sup>4</sup>	ACTION UPON FAILURE TO COMPLY WITH TIME REQUIREMENT WITHOUT AN APPROVED TIME EXTENSION
<b>REZONING – RESIDENTIAL-NON-PLANNED DEV. DIST. (PDD) or TRADITIONAL DEV. DIST. (TDD)</b>	2	Record plat or affidavit of plat waiver or commence development <sup>4</sup>	Three years <sup>27</sup>	no extensions permitted	BCC review pursuant to subsections Art.2.E.2.A and Art.2.E.2.D herein

**Notes for Table 2.E.3.B – 1**

<sup>1</sup>~~Time Limitation of Development Order for Each Phase:~~

<sup>1</sup>Commencement of development shall consist of:

- a. Receipt of a building permit and first inspection approval of first component of the primary structure(s) for a) the entire development, as defined by the certified site plan or certificate of concurrency f or those development orders which do not require the certification of a site plan or b) all of the next phase if phasing is provided by the development order and final Master Plan pursuant to Art. 2.E.3.B.3.b, Final Site Plan or Final Subdivision Plan, herein; or
- b. The installation of significant site improvements such that the improvements would only permit the development of the approved project, and any other pattern of development would require extensive changes to the installed improvements.

<sup>2</sup>Commencement of development shall not consist of:

- a. The dividing of land into parcels, unless the determination of commencement is to be made for property in a residential zoning district which is not a PDD and for which there is no conditional use/special exception and this division is accomplished through the recordation of a plat or plat waiver; or
- b. Demolition of a structure; or
- c. Deposit of refuse, solid or liquid waste, or fill on the parcel unless the development order is exclusively and specifically for such; or
- d. Clearing of land.

<sup>32</sup> From resolution adoption date for first phase, and from date of commencement of development of last phase, or last plat recordation date, for subsequent phases. The maximum time to commence development for each phase of a Type III excavation shall be established by a condition of approval.

<sup>43</sup> From plan certification date for first phase, and from date of commencement of development of last phase, or last plat recordation date, for subsequent phases.

<sup>54</sup> All administrative time extensions listed in this table are to be approved or denied by the Executive Director of PZB.

<sup>65</sup> The maximum number of phases and duration of each phase for a Type III excavation shall be established by a condition of approval.

<sup>76</sup> The recordation of a plat for the preservation area of an AGR-PUD shall not qualify as meeting this requirement.

<sup>87</sup> An additional 90 days will be provided if prior to the expiration of any time period established by this Code, staff is notified by the property owner that either a complete building permit application has been submitted, or technical compliance for a plat has been received, as appropriate, and development will commence, or the plat will be recorded, within 90 days of the deadline. If the required action does not occur within the ninety days, the requirements of Art.2.E.2, Procedures, shall apply. This provision shall not be utilized when there has been a failure to comply with concurrency reservation or development order conditions which are required f or the Development Order to comply with Art.12.C.2, Conditions.

<b>Art.2.F.3.B.4.a</b> Separate Review <b>Page 43 of 51</b>	<b>a. Separate Review</b> Within ten days of submittal or re-submittal, the application shall be forwarded to the PBC Departments and Service Providers for review. Within 15 working days of its receipt, the appropriate PBC Departments and Service Providers shall file a statement with the Zoning Director as to whether or not adequate public facilities are available, pursuant to the standards of Art. 2.F.3.C, Standards for Review of Application for <del>Adequate—Public—Facilities Determination and</del> Concurrency Reservation.	Deleted – To be consistent with new title of Concurrency.
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**ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES**  
**SUMMARY OF AMENDMENTS**

**Last Revised 5/06/04**

ULDC Article/Section Page Number	Code Provision *	Reason for Amendment
<b>Art.2.F.3.B.6.a</b> Separate Review <b>Page 44 of 51</b>	<b>a. Separate Review</b> If it is determined by the service providers that adequate public facilities are available, the Zoning Director shall review the statements and the application for compliance with all the public facility component standards of Art. 2.F.3.C, Standards for Review of Application for <del>Adequate Public Facilities Determination and</del> Concurrency Reservation, and the density requirements of the Plan, and shall issue a certificate for Concurrency Reservation.	Deleted – To be consistent with new title of Concurrency.
<b>Art.2.F.3.C</b> Standards for Review of Application for Adequate Public Facilities Determination and Concurrency Reservation <b>Page 44 of 51</b>	<b>C. Standards for Review of Application for</b> <del>Adequate Public Facilities Determination and</del> <b>Concurrency Reservation</b>	Deleted – To be consistent with new title of Concurrency.
<b>Art.2.F.3.D.5</b> Phasing of a Reservation <b>Page 45 of 51</b>	<b>5. Phasing of a Reservation</b> In determining whether an application for a Reservation complies with the requirements of Art. 2.F.3.C, Standards for Review of Application for <del>Adequate Public Facilities Determination and</del> Concurrency Reservation, the Zoning Director may consider the phasing of development and its coordination with public facility capital improvements for a period of up to five years, or some other period consistent with the terms of an agreement.	Deleted – To be consistent with new title of Concurrency.
<b>Art.2.F.3.D.6.a.2)</b> [Related to Consideration in Conjunction with an Agreement] <b>Page 45 of 51</b>	2) If the Zoning Director determines that the standards of Art. 2.F.3.C, Standards for Review of Application for <del>Adequate Public Facilities Determination and</del> Concurrency Reservation, are met if the Agreement is approved, a certificate of concurrency reservation shall be issued, conditioned on the approval of the Agreement with the express terms related to the provision of the public facilities for the proposed development.	Deleted – To be consistent with new title of Concurrency.
<b>Art. 2.F.3.E.2.a</b> Separate Review <b>Page 46 of 51</b>	<b>a. Separate Review</b> Within ten days of submittal or re-submittal, the application shall be forwarded to the PBC Departments and service providers for review. Within 15 working days of its receipt, the PBC Departments and service providers shall file a statement with the Zoning Director as to whether or not adequate public facilities are available, pursuant to the standards of Art. 2.F.3.C, Standards for Review of Application for <del>Adequate Public Facilities Determination and</del> Concurrency Reservation.	Deleted – To be consistent with new title of Concurrency.
<b>Art. 2.F.4.E.2</b> Related to Standards for Entitlement Density <b>Page 48 of 51</b>	2. The LOS for drainage facilities for the development proposed in the application is met pursuant to the requirements of Art. 2.F.3.C, Standards for Review of Application for <del>Adequate Public Facilities Determination and</del> Concurrency Reservation;	Deleted – To be consistent with new title of Concurrency.
<b>Art. 2.F.5.D</b> Standard <b>Page 48 of 51</b>	<b>D. Standard</b> The DRAB shall reverse the decision of the Zoning Director only if there is competent substantial evidence in the record that the application complies with the standards of Art. 2.F.3.C, Standards for Review of Application for <del>Adequate Public Facilities Determination and</del> Concurrency Reservation.	Deleted – To be consistent with new title of Concurrency.
<b>Art. 2.F.6.B.1</b> Related to Annual Public Facilities Update Report (AUR) <b>Page 49 of 51</b>	1. A summary of development exempted pursuant to Art. 2.F.3.C, Standards for Review of Application for <del>Adequate Public Facilities Determination and</del> Concurrency Reservation.	Deleted – To be consistent with new title of Concurrency.

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**ARTICLE 3, OVERLAYS & ZONING DISTRICTS**  
**SUMMARY OF AMENDMENTS**

**Revised 5/06/04**

ULDC Article/ Section Page Number	Code Provision*	Reason for Amendment
Art. 3.B.4.C Use Regulations Page 13 of 125	<b>C. Boundaries</b> <u>The GAO shall apply to all land within the USA in the Glades Tier.</u>  <del>C.D. Use Regulations</del>	Amendment – To be consistent with the Plan.
Art. 3.B.10.F.3.d Lighting Page 24 of 125	<b>d. Lighting</b> In addition to the standards of Art. 5.E.3. <del>EE</del> , Outdoor Lighting, and Art. 16, Airport Regulations, within the PBAIO shall comply with the following:	Scrivener's error – Corrected reference.
Art.3.B.11.A Purpose and Intent Pages 24-25 of 125	<b>A. Purpose and Intent</b> The purpose and intent of the RTO is to protect critical <b>industrial, manufacturing, research and development activities employers</b> from the encroachment of incompatible land uses and activities; provide opportunities to locate accessory, auxiliary and supporting industrial land uses in close proximity to existing <b>manufacturing</b> facilities; and ensure the location of <del>compatible adjacent</del> land uses and activities in the district that <b>are compatible with or</b> complement manufacturing and high-tech operations that are related to the continuation and <del>future development expansion</del> of <del>the</del> PBC's manufacturing and industrial base. The RTO is specifically included in this Code to meet <del>the Plan</del> provisions <b>in the Plan</b> related to the <b>United Technologies Corporation (Pratt-Whitney)</b> Overlay.  <del>Additionally, all development within the RTO shall: promote efficient and economical industrial land uses and the provision of adequate public facilities to serve proposed development; promote compatible industrial land use linkages by process, production or service; be compatible with surrounding land uses and activities; preserve and protect natural features and native vegetation so as to prevent ecological damage in part through the location of buildings and land use intensities; and encourage the continuation and future development of the PBC's manufacturing and industrial base.</del>	Amended – To be consistent with the Plan.
Art.3.B.11.C.1 Prohibited Uses Page 25 of 125	<b>1. Prohibited <u>Noise Sensitive</u> Uses:</b>	Amended – To clarify.
Art. 3.B.15.D Development Review Officer (DRO) Page 29 of 125	<b>D. Development Review Officer (DRO)</b> All new commercial and industrial developments, and residential developments consisting of more than two dwelling units shall be subject to DRO Art. <del>4.2</del> D.1, DRO, approval.	Scrivener's error – Corrected reference.
Art. 3.B.15.G.3.g Lighting Page 33 of 125	<b>g. Lighting</b> All development shall comply with the following lighting standards, in addition to those requirements in Art. 5.E.3. <del>EE</del> , Outdoor Lighting.	Scrivener's error – Corrected reference.
Table 3.C.1.A-4 (Note #3) Future Land Use (FLU) Designation and Corresponding Standard Zoning Districts Page 37 of 125	3. The AGR District is consistent with the SA FLU designation in <u>the</u> AGR Tier only....	Scrivener's error – Grammatical error
Table 3.C.1.A-4 (Note #7) Future Land Use (FLU) Designation and Corresponding Standard Zoning Districts Page 37 of 125	<del>7. Curtain use in the CRE District over three acres require rezoning to IL. See Supplementary Use Standards.</del>	Deleted – Note not applicable to table.

**\*Notes:**

Underlined language indicates proposed new language.

~~Language crossed out~~ indicates language proposed to be deleted.

... (ellipses) indicates language not amended which has been omitted to save space.

Relocated language is shown as italicized with reference in parenthesis.

**ARTICLE 3, OVERLAYS & ZONING DISTRICTS**  
**SUMMARY OF AMENDMENTS**

Revised 5/06/04

ULDC Article/ Section Page Number	Code Provision*	Reason for Amendment																																																																																																																																																																																																																																																																																																									
<p><b>Table 3.D.1.A-5</b> Property Development Regulations Page 41 of 125</p>	<p align="center"><b>Table 3.D.1.A-5 - Property Development Regulations</b></p> <table border="1"> <thead> <tr> <th rowspan="2">Zoning District</th> <th colspan="3">Lot Dimensions</th> <th colspan="2">Density (67) (78)</th> <th rowspan="2">FAR</th> <th rowspan="2">Building Coverage</th> <th colspan="4">Setbacks <sup>*(11)</sup></th> </tr> <tr> <th>Size</th> <th>Width and Frontage</th> <th>Depth</th> <th>Min</th> <th>Max</th> <th>Front</th> <th>Side</th> <th>Side Street</th> <th>Rear</th> </tr> </thead> <tbody> <tr> <td align="center" colspan="12"><b>Agriculture/Conservation</b></td> </tr> <tr> <td>PC</td> <td>1 ac.</td> <td>-</td> <td>-</td> <td>-</td> <td>-</td> <td>-</td> <td>-</td> <td>50</td> <td>50</td> <td>50</td> <td>50</td> </tr> <tr> <td>AP</td> <td>10 ac.</td> <td>300</td> <td>300</td> <td>-</td> <td>.1 (1)</td> <td>.10</td> <td>10%</td> <td>100</td> <td>50</td> <td>80</td> <td>100</td> </tr> <tr> <td>AGR</td> <td>5 ac.</td> <td>300</td> <td>300</td> <td>-</td> <td>.2</td> <td>.15</td> <td>15%</td> <td>100</td> <td>50</td> <td>80</td> <td>100</td> </tr> <tr> <td align="center" colspan="12"><b>Residential</b></td> </tr> <tr> <td>AR</td> <td>(2) (3) (4)</td> <td>300</td> <td>300</td> <td>-</td> <td>(45)</td> <td>.15</td> <td>15%</td> <td>100</td> <td>50</td> <td>80</td> <td>100</td> </tr> <tr> <td>RE</td> <td>2.5 ac.</td> <td>200</td> <td>200</td> <td>-</td> <td>0.4</td> <td>-</td> <td>20%</td> <td>50</td> <td>40</td> <td>50</td> <td>50</td> </tr> <tr> <td>RT</td> <td>14,000</td> <td>100</td> <td>125</td> <td>-</td> <td>2.0</td> <td>-</td> <td>30%</td> <td>25</td> <td>15</td> <td>25</td> <td>25</td> </tr> <tr> <td>RS</td> <td>6,000</td> <td>65</td> <td>75</td> <td>-</td> <td>5.0</td> <td>-</td> <td>40%</td> <td>25</td> <td>7.5</td> <td>15</td> <td>15</td> </tr> <tr> <td>RM</td> <td>(56)</td> <td>65</td> <td>75</td> <td>5.0</td> <td>-</td> <td>-</td> <td>40%</td> <td>25</td> <td>15</td> <td>25</td> <td>15<sup>(49)(11)</sup></td> </tr> <tr> <td align="center" colspan="12"><b>Commercial</b></td> </tr> <tr> <td>CN</td> <td>0.5 ac.</td> <td>100</td> <td>100</td> <td>-</td> <td>-</td> <td>.25</td> <td>25%</td> <td>30</td> <td>30</td> <td>(89)</td> <td>30</td> </tr> <tr> <td>CC</td> <td>1 ac.</td> <td>100</td> <td>200</td> <td>-</td> <td>-</td> <td>.35</td> <td>25%</td> <td>30</td> <td>30</td> <td>(89)</td> <td>30</td> </tr> <tr> <td>CG</td> <td>1 ac.</td> <td>100</td> <td>200</td> <td>-</td> <td>-</td> <td>.35</td> <td>25%</td> <td>50</td> <td>15</td> <td>(89)</td> <td>20</td> </tr> <tr> <td>CLO</td> <td>1 ac.</td> <td>100</td> <td>200</td> <td>-</td> <td>-</td> <td>.25</td> <td>25%</td> <td>30</td> <td>15</td> <td>(89)</td> <td>20</td> </tr> <tr> <td>CHO</td> <td>1 ac.</td> <td>100</td> <td>200</td> <td>-</td> <td>-</td> <td>.35</td> <td>25%</td> <td>40</td> <td>15</td> <td>(89)</td> <td>20</td> </tr> <tr> <td>CRE</td> <td>3 ac.</td> <td>200</td> <td>300</td> <td>-</td> <td>-</td> <td>.50</td> <td>40%</td> <td>80</td> <td>50</td> <td>80</td> <td>50</td> </tr> <tr> <td align="center" colspan="12"><b>Industrial</b></td> </tr> <tr> <td>IL</td> <td>1 ac.</td> <td>100</td> <td>200</td> <td>-</td> <td>-</td> <td>.45</td> <td>45%</td> <td>40</td> <td>15</td> <td>25</td> <td>20</td> </tr> <tr> <td>IG</td> <td>2 ac.</td> <td>200</td> <td>200</td> <td>-</td> <td>-</td> <td>.45</td> <td>45%</td> <td>45</td> <td>20</td> <td>45</td> <td>20</td> </tr> <tr> <td align="center" colspan="12"><b>Institutional/Civic</b></td> </tr> <tr> <td>IPF</td> <td>1 ac.</td> <td>100</td> <td>200</td> <td>-</td> <td>-</td> <td>.35</td> <td>25%</td> <td>50</td> <td>15</td> <td>25</td> <td>20</td> </tr> <tr> <td>PO</td> <td>-</td> </tr> </tbody> </table> <p><b>Notes for Table 3.D.1.A-5:</b></p> <ol style="list-style-type: none"> <li>The maximum density in the AP district is allowed in the LR-1 FLU category in the Glades Tier only.</li> <li>The minimum lot size in the AR district corresponds to the FLU category as follows: RR20 – 20 acres; RR10 – 10 acres; RR5 – 5 acres; RR2.5 – 2.5 acres; U/S Tier – 5 acres.</li> <li>Nonconforming lots in the AR district may use the setback provisions in Art.1.F.4, Nonconforming Lots.</li> <li><b>AR lots in the RR-2.5-FLU designation may use the RE PDR's.</b></li> <li>The maximum density in the AR district corresponds to the FLU category as follows: RR20 – 1 unit/20 acres; RR10 – 1 unit/10 acres; RR5 – 1 unit/5 acres; RR2.5 – 1 unit/2.5 acres; U/S Tier - 1 unit/5acres.</li> <li>Density is determined by the FLU designation on each parcel of land in the Plan. The number of units permitted on a parcel of land, which complies with the applicable property development regulations and design standards, therefore, is an acceptable minimum lot size.</li> <li>The minimum allowable density may be less if a project is granted a minimum density exception pursuant to the Plan.</li> <li>The maximum allowable density may be greater if the project is granted the right to develop above the standard density pursuant to a <u>special density program</u> <b>the applicable provisions</b> in the Plan or this Code, such as VDB, TDR, or a provision in an Overlay.</li> <li>Setback equal to width of R-O-W buffer pursuant to Art. 7, Landscaping.</li> <li>Buildings over 35 feet in height <u>may shall</u> be <u>pe</u> <b>mitted</b> setback in accordance with <u>Table 3.D.1.A-5, Property Regulations Article 3.D.1.E., Multifamily, Non-residential Districts and PDD's.</u></li> <li><u>Property</u> <b>Property</b> previously <u>zoned developed with a RM or</u> RH <u>with a</u> rear setback of 12' shall be considered conforming and subject to Art.1.E, Prior Approvals.</li> </ol>	Zoning District	Lot Dimensions			Density (67) (78)		FAR	Building Coverage	Setbacks <sup>*(11)</sup>				Size	Width and Frontage	Depth	Min	Max	Front	Side	Side Street	Rear	<b>Agriculture/Conservation</b>												PC	1 ac.	-	-	-	-	-	-	50	50	50	50	AP	10 ac.	300	300	-	.1 (1)	.10	10%	100	50	80	100	AGR	5 ac.	300	300	-	.2	.15	15%	100	50	80	100	<b>Residential</b>												AR	(2) (3) (4)	300	300	-	(45)	.15	15%	100	50	80	100	RE	2.5 ac.	200	200	-	0.4	-	20%	50	40	50	50	RT	14,000	100	125	-	2.0	-	30%	25	15	25	25	RS	6,000	65	75	-	5.0	-	40%	25	7.5	15	15	RM	(56)	65	75	5.0	-	-	40%	25	15	25	15 <sup>(49)(11)</sup>	<b>Commercial</b>												CN	0.5 ac.	100	100	-	-	.25	25%	30	30	(89)	30	CC	1 ac.	100	200	-	-	.35	25%	30	30	(89)	30	CG	1 ac.	100	200	-	-	.35	25%	50	15	(89)	20	CLO	1 ac.	100	200	-	-	.25	25%	30	15	(89)	20	CHO	1 ac.	100	200	-	-	.35	25%	40	15	(89)	20	CRE	3 ac.	200	300	-	-	.50	40%	80	50	80	50	<b>Industrial</b>												IL	1 ac.	100	200	-	-	.45	45%	40	15	25	20	IG	2 ac.	200	200	-	-	.45	45%	45	20	45	20	<b>Institutional/Civic</b>												IPF	1 ac.	100	200	-	-	.35	25%	50	15	25	20	PO	-	-	-	-	-	-	-	-	-	-	-	<p>Amended - To correct footnote references and to add language clarifying setbacks for buildings over 35 feet in height and rear setback form RM and RH districts.</p>
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<p><b>Art. 3.D.1.C.1.a</b> Access and Circulation Page 42 of 125</p>	<p><b><del>a. Access and Circulation</del></b></p> <p><del>1) PDDs shall have a minimum of 200 linear feet along an arterial or collector street.</del></p> <p><b><del>a) Infill Development</del></b></p> <p><del>The BCC may reduce the frontage requirement in the U/S Tier upon demonstration by the applicant that the standards cannot be satisfied by any other means and:</del></p> <p><del>(1) the reduction is the minimum necessary to provide safe and adequate access to the project;</del></p> <p><del>(2) the reduction will not result in any undue hardship or adverse impact on adjacent property owners;</del></p> <p><del>(3) the reduction will not adversely effect the development of adjacent land in accordance with the Plan and this Code;</del></p> <p><del>(4) the reduction is supported by the County Engineer and PZB.</del></p>	<p>Relocated to Art. 3.E.1.C.2.a.1 page 61 of 125 – Language applies to PDD's only.</p>																																																																																																																																																																																																																																																																																																									

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**ARTICLE 3, OVERLAYS & ZONING DISTRICTS**  
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Revised 5/06/04

ULDC Article/ Section Page Number	Code Provision*	Reason for Amendment																									
Art. 3.D.1.C.2 PUD Minimum Page 42 of 125	<b>2) PUD Minimum</b> <del>The BCC shall not reduce the frontage requirements below the following thresholds:</del> <del>a. 1500 trips or less: 50' of frontage.</del> <del>b. More than 1500 trips: 80' of frontage</del> <del>Further reductions from the frontage requirements shall only be allowed by the BA as a variance in accordance with Art. 2.B.3, Variances.</del>	Relocated to Art. 3.E.1.C.2.a.1 page 61 of 125 – Language applies to PDD's only.																									
Art. 3.D.1.D.2 Multifamily Separations Page 44 of 125	<b>2. Multifamily Separations</b> The minimum separation for multifamily structures in the RM district shall correspond to the setback regulations in <del>Art. Table</del> 3.D.1.A-5, Property Development Regulations.	Scrivener's error – Corrected reference.																									
Art. 3.D.1.D.5.a.6) [Related to Structures Projections and Improvements Permitted in Setbacks] Page 45 of 125	6) Driveways, subject to <del>a minimum two-and-one-half-foot setback from the side and side street property lines</del> <b>Art. 6.C.1.A., Driveways;</b>	Amended – To ensure consistency with allowable setbacks.																									
Art. 3.D.1.D.5.a.19 Setbacks Page 45 of 125	<b>19)</b> Art. 5.B.1.A.2, Fences and Walls <del>(excluding corner clips for intersections);</del>	Amended – To add new language. Scrivener's error – Corrected reference.																									
Art. 3.D.1.E. Building Height Page 45 of 125	<b>E. Building Height</b> The maximum height for buildings and structures in all districts shall be 35 feet, unless otherwise stated. <del>Buildings over 35 feet in height shall be setback in accordance with Table 3.D.1.A-5, Property Development Regulations</del>	Relocated – Applies to Art. 3.D.1.E.2 Page 46 of 125																									
Art. 3.D.1.E.2.a Increased Setbacks Adjacent to Single-Family Page 46 of 125	<b>2. Multifamily, Nonresidential Districts and PDDs</b> In the RM, CLO, CHO, CG, IL, IG, and PDDs districts, buildings may exceed 35 feet in height as follows: <b>Buildings over 35 feet in height shall be setback in accordance with Table 3.D.1.A-5, Property Development Regulations</b> [Relocated from Article 3.D.1.E], <b>with</b> one additional foot of setback <del>shall to</del> be provided in addition to the required setback for each one foot in height, or fraction thereof, over 35 feet.	Amendment To relocated language from Art. 3.D.1.E. and clarify calculation for setbacks.																									
Table 3.D.2.A-6 Townhouse Regulations Page 47 of 125	<b>Table 3.D.2.A-6 – Townhouse Regulations</b>	Amendment – Incorporates prior setbacks for 25 and 35 foot tall townhouses.																									
	<table border="1"> <thead> <tr> <th colspan="3">Lot Dimensions</th> <th rowspan="2">Max Height</th> <th rowspan="2">Building Coverage</th> <th colspan="4">Setbacks and Separations (1)(2)</th> </tr> <tr> <th>Size</th> <th>Width and Frontage</th> <th>Depth</th> <th>Front</th> <th>Side</th> <th>Side Street</th> <th>Rear</th> </tr> </thead> <tbody> <tr> <td>800 SF</td> <td>16</td> <td>50</td> <td>35</td> <td>100% of <b>buildable area</b></td> <td>15 – 25 – front loading garage 15 – side loading garage 10 – parking tract</td> <td><b>0 – interior unit</b> 15 – end unit</td> <td>25 – end unit</td> <td>25</td> </tr> </tbody> </table>	Lot Dimensions			Max Height	Building Coverage	Setbacks and Separations (1)(2)				Size	Width and Frontage	Depth	Front	Side	Side Street	Rear	800 SF	16	50	35	100% of <b>buildable area</b>	15 – 25 – front loading garage 15 – side loading garage 10 – parking tract	<b>0 – interior unit</b> 15 – end unit	25 – end unit	25	
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Table 3.D.2.A-6 Townhouse Regulations Page 47 of 125	<b>Notes for Table 3.D.2.A-6, Townhouse Regulations:</b> 1. Front and side street setbacks <b>shall be</b> measured from street or parking tract. Side and rear setbacks measured from <del>plat, parcel or pod boundary; perimeter property line lake maintenance easement, canal easement, or</del> canal R-O-W; or required landscape buffer.	Amended – To clarify language on how to measure setbacks.																									
Table 3.D.2.A-7 ZLL Property Development Regulations Page 47 of 125	<b>Table 3.D.2.AB-7 - ZLL Property Development Regulations</b>	Scrivener's error – Corrected reference.																									

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**Revised 5/06/04**

ULDC Article/ Section Page Number	Code Provision*	Reason for Amendment
Art. 3.D.2.C.7 Prohibited Openings and Attachments Page 48 of 125	<b>7. Prohibited Openings and Attachments</b> Openings shall not be allowed to penetrate and/or be attached to any portion of the home on the ZLL side. Examples of prohibited openings and attachments include...	Scrivener's error – Corrected spelling.
Art. 3.D.2.C.8 Permitted Openings Page 48 of 125	<b>8. Permitted Openings and Attachments</b>	Scrivener's error – Clarified title to reflect contents.
Art. 3.D.2.C.8.c Maintenance and Roof Overhang Easement Page 49 of 125	<del>c.9.</del> <b>Maintenance and Roof Overhang Easement</b> The subdivision plan... <del>1)a.</del> <b>Easement Width</b> This easement shall... <del>2)b.</del> <b>Roof Overhang</b> Roof eaves, soffits... <del>3)c.</del> <b>Drainage</b> This easement shall not... <del>4)d.</del> <b>Plat</b> The following language...	Scrivener's error – Corrected references.
Art. 3.D.2.C.8.d Atrium/ Courtyard Page 49 of 125	<del>d.10.</del> <b>Atrium/Courtyard</b>	Scrivener's error – Corrected reference.
Art. 3.D.2.C.8.e Privacy Walls or Fences Page 49-50 of 125	<del>e.11.</del> <b>Privacy Walls or Fences</b> <del>1)a.</del> <b>ZLL Wall</b> A minimum of... <del>a)1.</del> <b>Exception</b> A wall or fence... <del>2)b.</del> <b>Rear Lot Line</b> A minimum of five... <del>3)c.</del> <b>Design Requirements</b> If a wall is constructed,... <del>4)d.</del> <b>Roof Enclosures</b> When a screened... <del>5)e.</del> <b>Height Limitation</b> Lots with a ZLL side...	Scrivener's error – Corrected reference.
Art. 3.D.2.C.8.f Side Street Home Page 50 of 125	<del>f.12.</del> <b>Side Street Home</b> A side street home (aka floater) may be located on a lot having a street, a minimum of 50 feet of open space, or combination along two sides. A side street home shall comply with the minimum setback requirements in Table 3.D.2.A-7, ZLL Property Development Regulations. A side street home shall be exempt from the design standards in Art. 3.CD.2.C, Design Standards	Scrivener's error – Corrected reference.
Art. 3.D.2.C.8.g Additional Requirements Page 50 of 125	<del>g.13.</del> <b>Additional Requirements</b> The application...	Scrivener's error – Corrected reference.

**\*Notes:**

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**ARTICLE 3, OVERLAYS & ZONING DISTRICTS**  
**SUMMARY OF AMENDMENTS**

**Revised 5/06/04**

ULDC Article/ Section Page Number	Code Provision*	Reason for Amendment
<p><b>Art. 3.E.1.C.2.a.1)</b> [Related to Access and Circulation] <b>Page 61 of 125</b></p>	<p><b>a. Access and Circulation</b></p> <p>1) PDDs shall have a minimum of 200 linear feet of frontage along an arterial or collector street;</p> <p><b>a) Infill Development</b>  <i>The BCC may reduce the frontage requirement in the U/S Tier upon demonstration by the applicant that the standards cannot be satisfied by any other means and:</i></p> <p><i>(1) the reduction is the minimum necessary to provide safe and adequate access to the project;</i></p> <p><i>(2) the reduction will not result in any undue hardship or adverse impact on adjacent property owners;</i></p> <p><i>(3) the reduction will not adversely effect the development of adjacent land in accordance with the Plan and this Code;</i></p> <p><i>(4) the reduction is supported by the County Engineer and PZB. [Relocated from Art.3.D.1.C.1.a]</i></p> <p><b>b) PUD Minimum</b>  <i>The BCC shall not reduce the frontage requirements below the following thresholds:</i></p> <p><i>(1) 1500 trips or less: 50' of frontage.</i></p> <p><i>(2) More than 1500 trips: 80' of frontage</i></p> <p><i>Further reductions from the frontage requirements shall only be allowed by the BA as a variance in accordance with Art. 2.B.3, Variances. [Relocated from Art.3.D.1.C.2]</i></p>	<p>Relocated – [from Art. 3.D.1.C.1.a and 3.D.1.C.2] Text is specific to PDD's only.</p>
<p><b>Art.3.E.1.D.3</b> Regulating Plan <b>Page 64 of 125</b></p>	<p><b>3. Regulating Plan</b>  <u>The BCC shall approve a regulating plan for all new PDD's. All planned developments, and the effected area of modifications to previously approved planned developments PDD's shall submit a r Regulating plans, shall be</u> consistent with the PBC Zoning Division Technical Manual, consisting of a comprehensive graphic and written description of the project. At a minimum, the regulating plan shall consist of the following information, drawn to scale or labeled with dimensions:</p>	<p>Amended – To ensure regulating plans for PUDs are approved by the BCC.</p>
<p><b>Art. 3.E.1.E.2</b> Modifications by the BCC <b>Page 65 of 125</b></p>	<p><b>2. Modifications by the BCC</b>          Modifications which exceed the thresholds in Art. 2.D.1, Development Review Officer, shall require a DOA in accordance with Art. 2.B.<del>12.G, Public Hearing Procedures</del>  <u>DOA.</u></p>	<p>Amended – Corrected reference.</p>
<p><b>Art.3.E.1.F.1</b> Plan <b>Page 65 of 125</b></p>	<p><b>1. <u>Approved Plan</u></b></p>	<p>Amendment – Omitted text.</p>
<p><b>Art.3.E.2.A.4</b> Exemplary <b>Page 68 of 125</b></p>	<p><b>4. Exemplary</b>          A rezoning to the PUD district shall only be granted to a project exceeding the goals, policies and objectives in the Plan, the minimum requirements of this Code, and the design objectives and performance standards in this Article which include, but are not limited to, sustainability, trip reduction, cross access, buffering, aesthetics, creative design, vegetation preservation, recreational opportunities, mix of uses, mix of unit types, safety, and affordable housing. <del>For examples -</del>See <u>the</u> PBC Zoning Division Technical Manual <u>for examples</u>.</p>	<p>Scrivener's error – To clarify where to view exemplary provisions.</p>
<p><b>Art.3.E.2.B.1</b> Design Objectives <b>Page 68 of 125</b></p>	<p><b>1. Design Objectives</b>          A PUD shall comply with the following objectives; :</p>	<p>Scrivener's error – Add semi-colon to indicate all applicable provisions.</p>

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**ARTICLE 3, OVERLAYS & ZONING DISTRICTS**  
**SUMMARY OF AMENDMENTS**

**Revised 5/06/04**

ULDC Article/ Section Page Number	Code Provision*	Reason for Amendment
Art.3.E.2.B.2.a Landscape Buffers Page 69 of 125	a. <b>Landscape Buffers</b> <u>A minimum of 50 percent of the</u> <del>The</del> required canopy trees in the ROW buffer shall have a <del>minimum 50 percent</del> height of 14 feet. No overlap or easement encroachment shall be permitted in R-O-W buffer of utility easements.	Amended – To clarify requirement..
Art.3.E.2.B.2.e Neighborhood Park Page 69 of 125	e. <b>Neighborhood Park</b> Neighborhood parks <u>shall be provided within each Pod and shall</u> <del>should</del> have a direct connection to the pedestrian system and include a tot lot, gazebo, fitness station, rest station, or similar recreation amenity. Neighborhood parks shall not be <u>used towards the Parks and Recreation Departments minimum recreation requirements and shall not</u> be located within areas designated for drainage, stormwater management or other utility purposes.	Amended – To clarify minimum size and separation from Park requirements.
Table 3.E.2.D-16 PUD Property Development Regulations Page 71 of 125	See table below:	Deleted – Redundant language.

**Table 3.E.2.D-16 - PUD Property Development Regulations**

POD	Lot Dimensions			Density		FAR	Building Coverage	Setbacks			
	Size	Width and Frontage	Depth	Min.	Max.			Front	Side	Side Street	Rear
<b>Residential</b>											
SF	Apply the RS district regulations in Table 3.D.1.A-5, Property Development Regulations.										
ZLL	Refer to Art. 3.D.2.B, Zero Lot Line.										
TH	Refer to Art. 3.D.2.A, Townhouse.										
MF	Apply the RM district regulations in Table 3.D.1.A-5, Property Development Regulations.										
<b>Civic</b>											
Private	0.5 ac	100	100	-	-	0.35	30 percent	25	20	25	20
Public	1 ac.	100	200	-	-						
<b>Commercial</b>											
Commercial	Apply CC district regulations in Table 3.D.1.A-5, Property Development Regulations. <del>One-acre minimum.</del>										
<b>Recreation</b>											
Recreation Pod	-	65	75	-	-	0.35	30 percent	25	15	25	15
Neighborhood Park	0.1	45	75	-	-	0.15	15 percent	15	15	15	15
<b>Preservation (1)</b>											
Preservation	Apply the AGR district regulations in Table 3.D.1.A-5, Property Development Regulations										

**Notes for Table 3.E.2.D-16,** PUD Property Development Regulations.

Preservation includes the Preservation Areas in a PUD allowed in the AGR FLU designations.

Table 3.D.3.C-19 MUPD Thresholds Page 83 of 125	<p><b>Table 3.D.3.C-19 - MUPD Thresholds</b></p> <table border="1"> <thead> <tr> <th></th> <th>CL</th> <th>CH</th> <th>CLO</th> <th>CHO</th> <th>IND</th> <th>CR</th> <th>INST</th> </tr> </thead> <tbody> <tr> <td><b>Square Feet</b></td> <td>30,000</td> <td>50,000</td> <td>30,000</td> <td>50,000</td> <td>100,000</td> <td>100,000</td> <td>50,000</td> </tr> </tbody> </table>		CL	CH	CLO	CHO	IND	CR	INST	<b>Square Feet</b>	30,000	50,000	30,000	50,000	100,000	100,000	50,000	Scrivener's error – Corrected reference.
	CL	CH	CLO	CHO	IND	CR	INST											
<b>Square Feet</b>	30,000	50,000	30,000	50,000	100,000	100,000	50,000											
Table 3.E.5.D-26 PIPD Property Development Regulations Page 90 of 125	See tables below.	Amended – Incorrect table inserted.																

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**ARTICLE 3, OVERLAYS & ZONING DISTRICTS**  
**SUMMARY OF AMENDMENTS**

**Revised 5/06/04**

ULDC Article/ Section Page Number	Code Provision*	Reason for Amendment
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**Table 3.E.5.D-26 – PIPD Property Development Regulations**

Pods	Lot Dimensions			Max.-FAR	Maximum Building Coverage	Setbacks			
	Size	Width and Frontage	Depth			Front	Side	Street	Rear
Light Industrial	1-ac	400	200	.45	30%	25	C-15 R-40	25	C-15 R-40
General Industrial	2-ac	200	200	.45	30%	25	C-20 R-40	25	C-20 R-40
Commercial	Apply MUPD, MXPD or TMD regulations								
Residential	Apply PUD regulations								
Recreation	Apply PUD Recreation Pod and Neighborhood Park regulations								

**Notes to Table 3.E.5.D-26, PIPD Property Development Regulations:**

C - Indicates the required building setback for land uses abutting a non-residential zoning district, a civic, mixed-use commercial, or industrial pod, or a recreation area.  
R - Indicates the required building setback for land uses abutting a residential zoning district or a residential pod.

**Table 3.E.5.D-28 MHPD Property Development Regulations**

Pods	Minimum Lot, Lease Lot or Condo Unit Dimensions				Maximum Building Coverage	Minimum Building Setbacks or Separations			
	Size	Width and Frontage	Depth	Corner		Front	Street	Side*	Rear*
Mobile Home	4,200	40'	70'	55'	50%	20'	20'	5'	10'
Recreational	--	--	--	--	10%	25'	25'	20' C 40' R	20' C 40' R
Civic	1 ac.	100'	200'	35'	.30	25'	25'	20' C 40' R	20' C 40' R
Commercial	1 ac.	100'	200'	25'	.20	25'	25'	20' C 40' R	20' C 40' R

**Notes to Table 3.E.5.D-28 MHPD Property Development Regulations:**

C - Indicates the required building setback for land uses abutting a non-residential zoning district, a civic, mixed-use commercial, or recreation pod.

R - Indicates the required building setback for land uses abutting a residential zoning district or a residential pod.

\* - Indicates that the regulation is flexible and may be modified by complying with Sec. 6.8.A.4, Regulating plan.

- Land uses that abut a lake, canal, or preserve area which is greater than or equal to 40 feet in width along the boundary of the land use, may substitute a 20 feet side interior or rear setback if a 40 feet setback is required.
- Setbacks shall be measured from the inside edge of perimeter landscape areas and internal road R-O-Ws for recreation, civic and commercial uses. Setbacks shall be measured from individual lot lines, rental lines and from condominium lines.

Art. 3.F.2.A.1.f.2)a) Street Lighting Page 113 of 125	<b>a) Street Lighting</b> Street lighting shall be provided along all streets and alleys, subject to Art. 5.E.3. <del>EF</del> , Outdoor Lighting, and the standards in Table 3.F.2.A-36, TDD Street Lighting Standards. A minimum of one light fixture shall be located at every crosswalk.	Scrivener's error – Corrected reference.
Art. 3.F.3.D.1 Neighborhoods Page 117 of 125	<b>1. Neighborhoods</b> The basic component of a TND is the neighborhood, organized in blocks around a neighborhood center. Each neighborhood within a TND shall not exceed 80 acres. No TND shall include more than four neighborhoods unless the TND is included within a TTD Refer to Art. 3.F. <del>25</del> , TTD.	Scrivener's error – Corrected reference.
Art. 3.F.5.C Uses Page 123 of 125	<b>C. Uses</b> Uses allowed in a TTD district are listed in Table 3.F.1.1-332, Traditional Development Permitted Use Schedule, of this Article.	Scrivener's error – Corrected reference.

ref: U:\zoning\CODEREV\2004\Glitch Ordinance\Art. 03\Art3\_LDRC 5\_13 Final.doc

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## Draft Flood Damage Prevention Ordinance

### Summary of 2004 Flood Damage Prevention Ordinance

The primary purpose of this regulation is to regulate building construction in geographic areas identified by the Federal Emergency Management Agency (FEMA) and the County as being especially susceptible to flooding. The current regulation is Ordinance 88-3. This current update accomplishes a number of improvements, to wit:

- 1) revises format to comply with current FEMA model.
- 2) identifies areas of special flooding concern as being the thousands of lots in 497 developments platted before any regulations existed on storm water control or engineered system of drainage works to minimize flooding of buildings.
- 3) limits the volume of imported earth fill that may be brought onto a lot to lessen the displacement of flood volume onto neighbors while clearly allowing higher floor elevations within perimeter foundations of a building.
- 4) requires minimum floor elevation to be one foot above the absolute minimum only in FEMA floods zones. This insures the bottom of the concrete floor slab is above Base Flood Elevations to assure floors stay dry. It also earns extra credit in the FEMA Community Rating System, which can reduce flood insurance premiums.
- 5) restores former county regulations that floor elevations be eighteen inches above adjacent roadway elevations, which were negated by state, mandated Florida Building Code.
- 6) details the Flood Damage Prevention Administrator assignment, appeals and variance procedures for effective implementation for the regulations.





1           The flood hazard areas of Palm Beach County are subject to periodic inundation, which  
2 results in loss of life and property, health and safety hazards, disruption of commerce and  
3 governmental services, extraordinary public expenditures for flood protection and relief, and  
4 impairment of the tax base, all of which adversely affect the public health, safety and general  
5 welfare. Flood losses are caused by the cumulative effect of obstructions in Special Flood  
6 Hazard Areas (SFHAs) causing increases in flood heights and velocities, and by the  
7 occupancy in flood prone areas of uses vulnerable to floods or hazardous to other lands  
8 inadequately elevated, flood-proofed, or otherwise unprotected from flood damages.

9           **SECTION 4: STATEMENT OF OBJECTIVES:**

10           The objectives of this Ordinance are to protect human life, health and safety; minimize  
11 expenditure of public money for costly flood control projects; minimize the need for rescue and  
12 relief efforts associated with flooding generally undertaken at the expense of the general  
13 public; minimize prolonged business interruptions; minimize damage to public facilities and  
14 utilities such as water and gas mains, electric, telephone, sewer lines, roadways, bridges and  
15 culverts located in flood prone areas; and to help maintain a stable tax base by providing for  
16 the sound use and development of flood prone areas in such a manner as to minimize adverse  
17 impact of new buildings and to minimize future flood blight areas; and to ensure that those  
18 obtaining building permits and potential buyers are notified of property that is in an SFHA.

19           **SECTION 5: METHODS OF REDUCING FLOOD LOSSES:**

- 20           (1) In order to accomplish its objectives, this Ordinance includes methods and provisions  
21           for:
- 22           (2) restricting or prohibiting uses which are dangerous to health, safety, and property due  
23           to water or erosion hazards, or which result in adverse impacts from erosion, flood  
24           heights or floodwater velocities;
- 25           (3) requiring that uses vulnerable to floods, including facilities which serve such uses, be  
26           protected against flood damage throughout their intended life span;
- 27           (4) controlling the alteration of natural floodplains, stream channels, and natural protective  
28           barriers, which help accommodate or channel flood waters;
- 29           (5) controlling filling, grading, dredging, minimum floor elevations and other construction  
30           detail which may affect flood damage to buildings; and

1 (6) preventing or regulating the construction of flood barriers that will unnaturally divert  
2 floodwaters, which may increase flood hazards in other areas.

1           **SECTION 6. DEFINITIONS:**

2           Unless specifically defined below, words or phrases used in this Ordinance shall be  
3 interpreted so as to give them the meanings they have in common usage and to give this  
4 Ordinance its most reasonable application.

5 **(1) Accessory Building or Appurtenant Structure:** means a structure that is located on the  
6 same parcel of property as a principal structure and the use of which is incidental to the use of  
7 the principal structure. For purposes of this Ordinance, accessory structures should constitute  
8 a minimal investment not to exceed 25% of the value of the primary structure, shall not be used  
9 for human habitation, and be designed to have minimal flood damage potential. Examples of  
10 accessory buildings or appurtenant structures for flood damage purposes are detached  
11 garages, carports, storage sheds and barns. All structures used for human occupancy shall be  
12 deemed principal structures and shall comply with these regulations, and not be defined as an  
13 Accessory Building or Appurtenant Structure.

14 **(2) Addition:** (to an existing building) means any walled and roofed expansion to the  
15 perimeter of a building in which the addition is connected by a common load-bearing wall  
16 other than a firewall. Any walled and roofed expansion, which is connected by a firewall or is  
17 separated by independent perimeter load-bearing walls, is new construction, not an addition.

18 **(3) Adverse Impact:** the increased probability of damage to structures from flooding or from  
19 floodwater erosion.

20 **(4) Appeal:** a request for a review of the Flood Damage Prevention Administrator's  
21 interpretation of any provision of, or a request for a variance, from this Ordinance.

22 **(5) Area of Shallow Flooding:** a designated AO or AH Zone on the latest edition of FEMA  
23 issued FIRM for the county with base flood depths from one to three feet where a clearly  
24 defined channel does not exist, where the path of flooding is unpredictable and indeterminate,  
25 and where velocity flow may be evident. Such flooding is characterized by ponding or sheet  
26 flow.

27 **(6) Area of Special Flood Hazard:** (see Special Flood Hazard Area (SFHA)) the land in the  
28 floodplain which is subject to a one percent (1%) or greater chance of flooding in any given  
29 year (100-Year floodplain as defined by FEMA), and land developed into building sites without  
30 a master storm water drainage system.

- 1 **(7) Base Flood:** the flood event having a one percent (1%) chance of being equaled or  
2 exceeded in any given year (also called the “100-Year Flood” and the “Regulatory Flood”).
- 3 **(8) Base Flood Elevation or BFE:** the highest water surface elevation associated with the  
4 base flood, set by FEMA in SFHAs.
- 5 **(9) Breakaway Wall:** a wall that is not part of the structural support of the building and is  
6 intended through its design and construction to collapse under specific lateral loading forces  
7 without causing damage to the elevated portion of the building or the supporting foundation  
8 system.
- 9 **(10) Building:** a structure that encloses an area for any use and shall not include structures  
10 such as walls, playground equipment or gas tanks.
- 11 **(11) Coastal High Hazard Area:** a SFHA extending from offshore to the inland limit of a  
12 primary frontal dune along an open coast and any other areas including, but not limited to,  
13 hurricane surges or subject to high velocity wave action from storms or seismic sources. The  
14 area is designated on the FIRM as Zone V1-V30, VE , or V.
- 15 **(12) Critical Facility:** a facility for which any flooding would adversely affect essential public  
16 services. Critical facilities include, but are not limited to, nursing homes, hospitals, police, fire  
17 and emergency response installations, or installations which produce, use or store hazardous  
18 materials or hazardous waste.
- 19 **(13) DCA:** State of Florida Department of Community Affairs
- 20 **(14) Development:** any man-made change of a building or other structure, or the carrying out  
21 of any activity to improved or unimproved real estate so as to change the use or appearance  
22 of the land, including, but not limited to mining, dredging, filling, grading, paving, excavating,  
23 drilling operations, or permanent storage of materials or equipment.
- 24 **(15) Elevated Building:** a non-basement building built to have the lowest floor elevated  
25 above the ground level by means of fill, solid foundation perimeter walls, pilings, columns,  
26 posts, piers or shear walls.
- 27 **(16) Encroachment:** the advance or infringement of uses, plant growth, fill, excavation,  
28 buildings, permanent structures or development into a SFHA, which may impede or alter the  
29 flow capacity of floodwaters.
- 30 **(17) Exceptional Hardship:** (as applied to variance criteria) A condition of a parcel of

1 property which is unusual or exhibits peculiar physical characteristics. These characteristic(s)  
2 must be unique only to that property and not to be shared by adjacent parcels. These unique  
3 characteristics must pertain to the land itself, not to the structure, its inhabitants, or the property  
4 owners. Mere economic or financial hardship alone is not “exceptional”. Inconvenience,  
5 aesthetic considerations, physical handicaps, personal preferences, or the disapproval of  
6 one’s neighbors cannot, as a rule, qualify as exceptional hardships. A hardship shall **NOT**  
7 necessarily exist even if the alternative is more expensive, or requires the property owner to  
8 build elsewhere or put the parcel to a different use than originally intended.

9 **(18) Existing:** (as applied to building, development or structure) any man-made improvement  
10 on which the start of construction commenced before the enactment of the first Flood Damage  
11 Prevention Regulations adopted by the County, Ordinance 79-1, on January 31, 1979.

12 **(19) Existing Manufactured Home Park or Subdivision:** a manufactured home park or  
13 subdivision for which the construction of facilities for servicing the lots on which the  
14 manufactured homes are to be affixed, including, at a minimum, the installation of utilities, the  
15 construction of streets, and either final site grading or the pouring of concrete pads was  
16 completed before the effective date of the first Flood Damage Prevention Regulations  
17 adopted by the County, Ordinance 79-1, on January 31, 1979.

18 **(20) Expansions to an Existing Manufactured Home Park or Subdivision:** the  
19 preparation of additional sites by the construction of facilities for servicing the lots on which the  
20 manufactured homes are to be affixed, including at a minimum, the installation of utilities, the  
21 construction of streets and either final site grading or the pouring of concrete pads.

22 **(21) FEMA:** Federal Emergency Management Agency.

23 **(22) Flood or Flooding:** a general and temporary condition of partial or complete inundation  
24 of normally dry land areas from the overflow of inland or tidal waters; or, the unusual and rapid  
25 accumulation or runoff of surface waters from any source.

26 **(23) Flood Boundary and Floodway Map or FBFM:** the latest edition of the official map on  
27 which the FEMA or Federal Insurance Administration (FIA) has delineated SFHAs and  
28 regulatory floodway.

29 **(24) Flood Damage Prevention:** the operation of an overall program of corrective and  
30 preventive measures for reducing flood damage and preserving and enhancing, where

1 possible, natural resources in the flood prone areas including, but not limited to, emergency  
2 preparedness plans, flood control works, flood damage prevention regulations, open space  
3 plans, and setting of minimum floor elevations.

4 **(25) Flood Damage Prevention Administrator:** the county building official hereby appointed  
5 to administer and enforce these flood damage prevention regulations, including, but not limited  
6 to, all variance and appeal hearings before the Flood Damage Prevention Board or a  
7 designee of the Building Official's holding a FEMA Certified Floodplain Manager Designation.

8 **(26) Flood Damage Prevention Board:** a group of citizens appointed to the Construction  
9 Board of Adjustments and Appeals, who shall hear and decide variance requests and appeals  
10 made under this Ordinance.

11 **(27) Flood Damage Prevention Ordinance:** this regulation and FEMA documents  
12 referenced in Section 7B herein. In addition, there may be other controls on development  
13 in flood prone areas contained in Zoning Ordinances, subdivision regulations, building  
14 codes and other state and federal regulations.

15 **(28) Flood Hazard Boundary Map or FHBM:** the latest edition of an official map of the  
16 county, issued by FEMA that indicate approximate areas of 100-year flood hazards in a  
17 community.

18 **(29) Flood Insurance Rate Map or FIRM:** the latest edition of an official map of the county,  
19 on which FEMA has delineated both the FEMA SFHAs and the risk premium zones applicable  
20 to the county.

21 **(30) Flood Insurance Study or FIS:** the official hydraulic and hydrologic report provided by  
22 FEMA. The report contains flood profiles, as well as the FIRM, FHBM (where applicable) and  
23 the water surface elevation of the base flood.

24 **(31) Floodplain:** any land area susceptible to flooding, as defined in FIRM and any area  
25 without a master storm water drainage system.

26 **(32) Floodway:** the channel of a river or other watercourse, intercoastals, and the adjacent  
27 land areas that must be reserved in order to discharge the base flood without cumulatively  
28 increasing the water surface elevation more than twelve inches (12").

29 **(33) Hardship:** see Exceptional Hardship.

30 **(34) Highest Adjacent Natural Grade or HANG:** the highest natural elevation of the ground

1 surface, prior to the start of any past or proposed construction, immediately next to the  
2 proposed exterior walls of a building.

3 **(35) Historic Structure:** any structure that is listed individually in the National Register of  
4 Historic Places (a listing maintained by the Department of the Interior) or preliminarily  
5 determined by the Secretary of the Interior as meeting the requirements for individual listing on  
6 the National Register or certified or preliminarily determined by the Secretary of the Interior as  
7 contributing to the historical significance of a registered historic or a district preliminarily  
8 determined by the Secretary to qualify as a registered historic district or individually listed on a  
9 state inventory of historic places in states with historic preservation programs which have been  
10 approved by the Secretary of the Interior; or individually listed on the Historic Palm Beach  
11 County Preservation Board's inventory of historic places.

12 **(36) HUD:** U.S. Department of Housing and Urban Development

13 **(37) Lowest Adjacent Roadway Crown or LARC:** the lowest elevation of any point in the  
14 crown of a street or road immediately next to the site of a new structure.

15 **(38) Lowest Floor:** the lowest floor of the lowest enclosed area (including basement) of a  
16 building. Any unfinished or flood resistant enclosure, used solely for parking of vehicles,  
17 building access, or storage, in an area other than a basement, is not considered a building's  
18 lowest floor, provided that such enclosure is not built so as to render the structure in violation of  
19 the non-elevation design standards of this Ordinance.

20 **(39) Manufactured Home:** a single-family dwelling constructed entirely in a controlled factory  
21 environment built to HUD standards; defined in 24 CFR 3280.2 Subpart A Definitions as  
22 amended or replaced, as a structure transportable in one or more sections, which in the  
23 traveling mode, is eight body feet or more in width or forty body feet or more in length, or when  
24 erected on site, is three hundred and twenty or more square feet, and which is built on a  
25 permanent chassis and designed to be a dwelling with or without a permanent foundation  
26 when connected to the required utilities which includes the plumbing, heating, air conditioning  
27 and electrical systems contained therein. For the purpose of this Ordinance, "mobile home" is  
28 considered to be synonymous with manufactured home. The term includes, but is not limited  
29 to, park trailers, travel trailers and commercial trailers placed on site for 180 consecutive days  
30 or longer and intended to be improved property. Those manufactured buildings for residential,

1 commercial, institutional or other use, constructed under DCA programs for compliance with  
2 Florida Building Code are excluded from this definition.

3 **(40) Manufactured Home Park or Subdivision:** a parcel or contiguous parcel, of land  
4 divided into two or more manufactured home lots for rent or sale.

5 **(41) Market Value:** the building value, excluding the land, as established by what the local real  
6 estate market will bear. Market value can be established by independent certified appraisal,  
7 replacement cost depreciated by age of building (Actual Cash Value), or adjusted assessed  
8 values.

9 **(42) Master Storm Water Drainage System:** an engineered system, which may include  
10 culverts, retention areas, water control gates, control devices, earth grading and/or minimum  
11 floor elevations in development of building sites, designed to insure less than one percent  
12 (1%) annual chance of flooding of the building sites.

13 **(43) Mean Sea Level:** the average height of the sea for all stages of the tide. It is used as a  
14 reference for establishing various elevations within the floodplain. For purposes of this  
15 Ordinance, the term is synonymous with 1929 National Geodetic Vertical Datum (NGVD).

16 **(44) National Geodetic Vertical Datum or NGVD:** as corrected in the year of 1929, is a  
17 vertical control used as a reference for establishing varying elevations within the floodplain.  
18 This datum is referenced on existing FIRM of FEMA.

19 **(45) New Building:** a structure that encloses an area for any use, and shall not include  
20 structures such as walls, playground equipment or gas tanks, for which the "start of  
21 construction" commenced on or after the effective date of this Ordinance. The term also  
22 includes any subsequent improvements to such buildings.

23 **(46) New Construction:** any structure, including duct work and Heating, Ventilating, and Air  
24 Conditioning (HVAC) equipment, for which the "start of construction" commenced on or after  
25 the effective date of this Ordinance. The term also includes any subsequent improvements to  
26 such structures.

27 **(47) New Manufactured Home Park or Subdivision:** a manufactured home park or  
28 subdivision for which the construction of facilities for servicing the lots on which the  
29 manufactured homes are to be affixed, including at a minimum, the installation of utilities, the  
30 construction of streets, and either final site grading or the pouring of concrete pads, is

1 completed on or after the effective date of this Ordinance.

2 **(48) Non-Residential Construction:** New construction or substantial improvement of  
3 structures not defined as “Residential Construction” and including but not limited to small  
4 business concerns and commercial hotels/motels as defined by FEMA, churches, schools,  
5 nursing homes, farm buildings, government buildings, mercantile structures, industrial plants  
6 and warehouses.

7 **(49) North American Vertical Datum or NAVD:** A proposed replacement datum of NGVD,  
8 identified by FEMA to be the reference of new FIRM from FEMA when current 1979 and 1982  
9 flood maps are replaced.

10 **(50) Obstruction:** includes, but is not limited to, any dam, wall, wharf, embankment, levee,  
11 dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building,  
12 wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or  
13 projecting into any watercourse which may alter, impede, retard or change the direction and/or  
14 velocity of the flow of water, or due to its location, its propensity to snare or collect debris  
15 carried by the flow of water, or is likely to be carried downstream.

16 **(51) Public Health, Safety and General Welfare:** conditions concerning the safety or health  
17 of an entire community or neighborhood, or any considerable number of people.

18 **(52) Recreational Vehicle:** a vehicle-type unit primarily designed as temporary living quarters  
19 for recreational, camping, or travel use, which either has its own motive power or is mounted  
20 on or drawn by another vehicle (see F.S. 320.01, as amended or replaced). Such vehicles  
21 shall comply with the length and width provisions of F.S. 316.515, as amended or replaced.

22 **(53) Regulatory Floodway:** the channel of a river or other watercourse and the adjacent land  
23 areas that must be reserved in order to discharge the base flood without cumulatively  
24 increasing the water surface elevation more than twelve inches (12”).

25 **(54) Repetitive Loss:** flood-related damages sustained by a property, which the National  
26 Flood Insurance Program has paid two or more flood claims of \$1,000.00 or more in any given  
27 10-year period since 1978.

28 **(55) Residential Construction:** new construction or substantial improvement of structures  
29 including but not limited to high-rise and low-rise condominium units, apartment buildings,  
30 timeshares, townhouse/rowhouse structures, residential hotels/motels and “other residential

1 structures” as defined by FEMA, manufactured and mobile/trailer homes, single family  
2 structures and duplexes.

3 **(56) Special Flood Hazard Area or SFHA:** (see Area of Special Flood Hazard) is a  
4 geographic area identified by FEMA and the county as being low lying areas or especially  
5 susceptible to flooding and shown on the latest edition of maps (FHBM or FIRM) as Zone A,  
6 AO, A1-A30, AE, A99, AH, V1-V30, VE, or V; and any area developed as building sites,  
7 without a master storm water drainage system, in unincorporated Palm Beach County outside  
8 FEMA A or V zones.

9 **(57) Start of Construction:** (for other than new construction or substantial improvement under  
10 the Coastal Barrier Resources Act P.L. 97-348, as amended or replaced), for all construction,  
11 includes substantial improvement, and means the date the building permit was issued,  
12 provided the actual start of construction, repair, reconstruction, or improvement was within 180  
13 days of the permit date. The actual start means the first placement of permanent construction  
14 of a building, including a manufactured home, on a site, such as the pouring of slabs or  
15 footings, installation of piles, construction of columns, or any work beyond the stage of  
16 excavation or placement of a manufactured home on a foundation. Permanent construction  
17 does not include land preparation, such as clearing, grading and filling; nor does it include  
18 installation of streets and/or walkways; nor does it include excavation for a basement, footings,  
19 piers or foundations or the erection of temporary forms; nor does it include installation on the  
20 property of accessory buildings, such as garages or sheds not occupied as dwelling units or  
21 not part of the main building. For substantial improvement, the actual start of construction  
22 means the first installation of any foundation, wall, ceiling, floor, or other structural part of a  
23 building, whether or not that alteration affects the external dimensions of the building, on all  
24 residential, commercial, institutional, and other buildings.

25 **(58) Structure:** that constructed by man, including gas or liquid storage tanks that are  
26 principally above ground, walls and roofed buildings.

27 **(59) Substantial Damage:** damage of any origin sustained by a structure whereby the cost  
28 of restoring the structure to its before damaged condition would equal or exceed 50 percent  
29 (50%) of the market value of the structure before the damage occurred. This term also  
30 includes structures that have incurred “repetitive loss”.

1 **(60) Substantial Improvement:** any combination of repairs, reconstruction, rehabilitation,  
2 addition, alteration, or other improvements to a building taking place during a five (5) year  
3 period, in which the cumulative cost of such improvements equals or exceeds 50 percent  
4 (50%) of the market value of the building before the “start of construction” of the repair or  
5 improvement. This term does not include any repair or improvement of a structure to correct  
6 existing violations of state or local health, sanitary, or safety code specifications, which have  
7 been identified by the local code enforcement official prior to the application for the permit for  
8 improvement, and which are the minimum necessary to assure safe living conditions. For the  
9 purposes of this definition, “substantial improvement” occurs when the first installation of any  
10 foundation, wall, ceiling, floor, or other structural part of the building commences, whether or  
11 not that installation affects the external dimensions of the structure. This term includes  
12 structures that have incurred “repetitive loss” or “substantial damage,” regardless of the actual  
13 repair work performed.

14 **(61) Substantially Improved Existing Manufactured Home Parks or Subdivisions:** the  
15 repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or  
16 exceeds 50 percent (50%) of the value of the streets, utilities and pads before the repair,  
17 reconstruction or improvement commenced.

18 **(62) Variance:** after a public hearing before the Flood Damage Prevention Board, a grant of  
19 relief from the requirements of this Ordinance, which permits construction in a manner  
20 otherwise prohibited by this Ordinance where specific enforcement would result in exceptional  
21 hardship.

22 **(63) Violation:** the failure of a structure or other development to be fully compliant with this  
23 Ordinance. In addition, a structure or other development without a required FEMA elevation  
24 certificate, other acceptable elevation certifications, or other evidence of compliance required  
25 in this Ordinance is presumed to be in violation until such time as that documentation is  
26 provided.

27 **(64) Watercourse:** a lake, river, creek, stream, wash, channel or other topographic feature on  
28 or over which waters flow at least periodically. Watercourse includes specifically designated  
29 areas in which substantial flood damage may occur.

30 **(65) Water Surface Elevation:** the height, in relation to NGVD of 1929, (or other datum,

1 where specified) of floods of various magnitudes and frequencies in the floodplains of coastal  
2 or riverine areas.

3 **SECTION 7. GENERAL PROVISIONS:**

4 **A. Applicability:**

5 This Ordinance shall apply to all SFHAs within the zoning and building code  
6 jurisdiction in unincorporated Palm Beach County.

7 **B. Basis for Establishing Special Flood Hazard Areas (SFHAs):**

8 SFHAs identified by FEMA in the FIS "Wave Height Analysis" for Palm Beach County,  
9 Florida Unincorporated Areas" dated April 15, 1982, together with FIRM maps of Community  
10 Panels 1201920140A, 1201920150A, 1201920160A, 1201920170A, 1201920180A,  
11 1201920185A, 1201920200A and 1201929215A and other supporting data, and any  
12 revisions thereto, are hereby adopted by reference and declared to be a part of this Ordinance  
13 and those areas developed into lots or building sites without minimum floor elevations  
14 engineered from a master storm water drainage network.

15 **C. Designation of Flood Damage Prevention Board and Administrator:**

16 The governing body of Palm Beach County hereby appoints the seven (7) members of  
17 the Construction Board of Adjustment and Appeals to act as the Floodplain Damage  
18 Prevention Board to administer and implement the provisions of this Ordinance. The Building  
19 Official of Palm Beach County, or his/her designee holding FEMA Certified Floodplain  
20 Manager designation, shall be the Flood Damage Prevention Administrator.

21 **D. Requirement for Building Permit and Elevation Confirmation:**

22 A building permit shall be required in conformance with the provisions of this Ordinance  
23 and building codes prior to the commencement of any building activities. All required  
24 minimum elevations for building floors or components shall be confirmed by a certified survey  
25 prior to subsequent building inspections.

26 **E. Compliance:**

27 No structure or land shall hereafter be located, extended, converted, developed, built or  
28 structurally altered without full compliance with the terms of this Ordinance and other applicable  
29 regulations.

30 **F. Abrogation and Greater Restrictions:**

1 This Ordinance is not intended to repeal, abrogate, or impair any existing easements,  
2 covenants or deed restrictions.

3 **G. Interpretation:**

4 In the interpretation and application of this Ordinance all provisions shall be considered  
5 as minimum requirements, liberally construed in favor of the governing body, and deemed  
6 neither to limit nor repeal any other powers granted under state statutes. The Flood Damage  
7 Prevention Administrator shall be responsible for interpretations pertaining to this Ordinance.

8 **H. Warning and Disclaimer of Liability:**

9 The degree of flood protection required by this Ordinance is considered reasonable for  
10 regulatory purposes and is based on scientific and engineering considerations. Larger floods  
11 can and will occur on rare occasions. Flood heights may be increased by man made or  
12 natural causes. This Ordinance does not imply that land outside SFHAs or uses permitted  
13 within such areas will be free from flooding or flood damages. This Ordinance shall not create  
14 liability on the part of the governing body of Palm Beach County or by any officer or employee  
15 thereof for any flood damages that result from reliance on this Ordinance or any administrative  
16 decision lawfully made thereunder.

17 **I. Penalties for Violation:**

18 Violation of this Ordinance or failure to comply with any of its requirements, including  
19 violation of conditions and safeguards established in connection with grants of variances shall  
20 be prosecuted in the same manner as a misdemeanor, as provided in Section 125.69 F.S. as  
21 amended or replaced. Any person who violates this Ordinance or fails to comply with any of its  
22 requirements shall, upon conviction thereof, be fined not more than \$500.00 or imprisoned for  
23 not more than sixty (60) days, or both, and, in addition, shall pay all costs and expenses  
24 involved in the case. Each day such violation continues shall be considered a separate  
25 offense. Nothing herein contained shall prevent the Flood Damage Prevention Administrator  
26 or Palm Beach County from taking such other lawful actions as are necessary to prevent or  
27 remedy any violation, including enforcement pursuant to Code Enforcement, Chapter F.S. 162,  
28 Parts I and II as amended or replaced.

29 **SECTION 8. ADMINISTRATION:**

30 **A. Development Procedures:**

1 (1) Application for a building permit shall be made to the Flood Damage  
2 Prevention Administrator on forms furnished by him or her prior to any building  
3 activities. Such application may include, but shall not be limited to: plans drawn to  
4 scale, and in duplicate, showing the nature, location, dimensions, and elevations of the  
5 area in question; existing and proposed structures; existing and finished earth grades;  
6 drainage facilities; and the location of the foregoing. Specifically, the following  
7 information is required:

8 (2) Application Stage:

9 (a) On All Buildings: The proposed lowest floor elevation (including any  
10 basement floor) shall be clearly indicated on plans submitted with the  
11 completed building permit application. Building plans shall clearly indicate  
12 designed hydrostatic opening for enclosed space below minimum floor  
13 elevation. Said elevation shall be stated in reference to NGVD, and the  
14 FEMA zone designation of the site shall be stated.

15 (b) On Any Non-Residential Buildings to be Flood Proofed: A certificate from a  
16 registered professional engineer or architect shall be submitted detailing  
17 compliance with flood proofing criteria in Sections 9B(2), 9C(2) and 9D(2)  
18 of this Ordinance.

19 (c) On Any Watercourse Alteration or Relocation: An analysis from a qualified  
20 registered Florida Professional Engineer of flood profiles and flow velocities  
21 shall be submitted revealing no adverse impact of proposed construction on  
22 adjacent and upstream properties.

23 (3) Construction Stage:

24 (a) Lowest Floor Elevation Prior to Placement: A certified survey or a  
25 registered Florida Professional Engineer affidavit revealing the exact lowest  
26 floor elevation, related to NGVD, shall be submitted. For slab-on-grade  
27 floors, a tie-in statement to NGVD elevation at the top of the form boards  
28 shall be acceptable.

29 (b) In FEMA Designated V or A Zones: FEMA "Floor Elevation Certification"  
30 and a certified final survey shall be submitted detailing the as-built lowest

1 floor elevation, compliance details on any permitted flood proofing of any  
2 non-residential building, plus finished grade elevations at all building  
3 corners. Said certification shall be fully executed by a registered  
4 professional engineer or surveyor revealing compliance with permitted  
5 elevation minimums prior to approval of final inspections.

6 (c) In SFHA Outside FEMA V or A Zone: A certified survey prepared by a  
7 registered professional engineer or surveyor shall be acceptable (without  
8 the FEMA "Floor Elevation Certification") to fully reveal compliance with all  
9 minimum elevations required on permit plans.

10 (d) On any Flood Proofed Buildings: In addition to the requirements above, a  
11 certification of compliance from a registered professional engineer or  
12 architect on flood proofing features shall be submitted revealing completed  
13 installations of said features prior to approval of final inspections.

#### 14 **B. Duties and Responsibilities of the Flood Damage Prevention**

##### 15 **Administrator:**

16 Duties of the Flood Damage Prevention Administrator shall include, but are not limited  
17 to:

18 (1) review of all building permits to assure that the permit requirements of this  
19 Ordinance have been satisfied;

20 (2) advise permittee that additional federal, state or local permits may be  
21 required, and if such additional permits are necessary, require that copies of such  
22 permits be provided and maintained on file with the building permit;

23 (3) verify and record the actual elevation (in relation to NGVD) of the lowest floor  
24 on all new or substantially improved buildings, in accordance with Section 8A(2) of this  
25 Ordinance;

26 (4) verify and record the actual elevation (in relation to NGVD) to which the new  
27 or substantially improved non-residential buildings have been flood-proofed, in  
28 accordance with Section 8A(2) of this Ordinance;

29 (5) review certified plans and specifications for compliance;

30 (6) interpret the exact location of boundaries of SFHAs. When there appears to

1 be a conflict between a mapped boundary and actual field conditions, the Flood  
2 Damage Prevention Administrator shall make the necessary interpretation.

3 (7) When BFE data or floodway data have not been provided in accordance  
4 with Section 7B of this Ordinance, the Flood Damage Prevention Administrator shall  
5 obtain, review and reasonably utilize any BFE and floodway data available from a  
6 federal, state or any other source, in order to administer the general provisions of  
7 Section 5 of this Ordinance; and shall coordinate all change requests to the FIS and  
8 FIRM or FBFM or both with the requester, State and FEMA. The Flood Damage  
9 Prevention Administrator shall also decide engineered acceptability on Alternate  
10 Methods of compliance with these regulations following procedures in Florida Building  
11 Code Sec. 103.7 as amended or replaced but this shall not grant to the Flood Damage  
12 Prevention Administrator the power to grant variances.

13 **SECTION 9. PROVISIONS FOR FLOOD DAMAGE PREVENTION:**

14 **A. General Standards:**

15 In all SFHAs the following provisions shall apply:

16 (1) New construction and substantial improvements shall be anchored to  
17 prevent flotation, collapse or lateral movement of the structure;

18 (2) Manufactured homes shall be anchored to prevent flotation, collapse, or  
19 lateral movement by methods which may include, but are not limited to, use of over-the-  
20 top or frame ties to ground anchors. This standard shall be in addition to, and  
21 consistent with, applicable state requirements for resisting wind forces;

22 (3) New construction and substantial improvements shall be constructed with  
23 materials and utility equipment resistant to flood damage;

24 (4) New construction or substantial improvements shall be constructed by  
25 methods and practices that minimize flood damage with minimum floor elevations at or  
26 above those required by any local drainage districts and at or above the minimum set  
27 forth in the following Sections 9B through 9D of this Ordinance.

28 (5) Electrical, heating, ventilation, plumbing, air conditioning equipment and  
29 other service facilities shall be designed and/or located so as to prevent water from  
30 entering or accumulating within the components during conditions of flooding by

1 placement above minimum flood elevations;

2 (6) New and replacement water supply systems shall be designed to minimize  
3 or eliminate infiltration of floodwaters into the system in accordance with Palm Beach  
4 County Health Department regulations;

5 (7) New and replacement sanitary sewage systems shall be designed to  
6 minimize or eliminate any adverse impacts from infiltration of floodwaters into the  
7 systems and discharges from the systems into floodwaters;

8 (8) On site waste disposal systems shall be located and constructed to avoid  
9 impairment to them or contamination from them during flooding, in accordance with  
10 Palm Beach County Health Department regulations;

11 (9) Any alteration, repair, reconstruction or improvements to a building that is  
12 in compliance with the provisions of this Ordinance shall meet the requirements of "new  
13 construction" as contained in this Ordinance;

14 (10) Any alteration, repair, reconstruction or improvements to a building that is  
15 not in compliance with the provisions of this Ordinance, shall be undertaken only if said  
16 non-conformity is not furthered, extended or replaced.

17 **B. Specific Standards in FEMA Areas: A1-99, AE or AH:**

18 In all these SFHAs, where BFE data has been provided, as set forth in Section 7B of  
19 this Ordinance, the additional following provisions shall apply:

20 (1) Residential Construction: New Buildings or substantial improvement of any  
21 residential building (or manufactured home) including duct work and Heating,  
22 Ventilating, and Air Condition (HVAC) equipment, shall have the lowest floor, including  
23 basement, elevated no lower than **twelve inches (12")** above the BFE and not less  
24 than **eighteen inches (18")** above LARC. Should solid foundation perimeter walls be  
25 used to elevate a residential structure on a suspended elevated floor above an open  
26 crawl space, openings sufficient to facilitate automatic equalization of flood hydrostatic  
27 forces on both sides of the exterior foundation walls shall be provided;

28 (2) Non-Residential Construction: New Buildings or substantial improvements  
29 (including duct work and Heating, Ventilating, and Air Condition (HVAC) equipment of  
30 any commercial, industrial, or non-residential building shall have the lowest floor,

1 including basement, elevated to no lower than **twelve inches (12")** above the BFE and  
2 not less than **eighteen inches (18")** above LARC. Alternately, non-residential  
3 buildings located in all "A" Zones may be flood-proofed in lieu of being elevated,  
4 provided that all areas of the building components designed to be lower than **twelve**  
5 **inches (12")** above BFE or lower than **eighteen inches (18")** above LARC, are water  
6 tight with walls substantially impermeable to the passage of water, and use structural  
7 components having the capability of resisting hydrostatic and hydrodynamic loads and  
8 the effect of buoyancy. A registered professional engineer or architect shall sign, seal  
9 and certify that the standards of this subsection are satisfied. Such certification shall be  
10 provided to the Flood Damage Prevention Administrator prior to permitting, as set forth  
11 in Section 8A(2) of this Ordinance.

12 (3) Elevated Buildings:

13 (a) New construction or substantial improvements of elevated buildings that  
14 include enclosed areas formed by foundation and other exterior walls below  
15 the lowest floor elevation shall be designed to preclude finished living space  
16 and designed to allow for the entry and exit of floodwaters to automatically  
17 equalize hydrostatic flood forces on exterior walls;

18 (b) Designs for compliance with this requirement shall be signed, sealed and  
19 certified by a professional engineer or architect and meet the following  
20 minimum criteria:

- 21 1. Provide a minimum of two openings having a total net area of not  
22 less than one square inch for every square foot of enclosed area  
23 subject to flooding;
- 24 2. The bottom of all openings shall be no higher than **twelve inches**  
25 **(12")** above earth grade inside and outside foundation walls;
- 26 3. Openings may be equipped with screens, louvers, valves, or other  
27 coverings or devices, provided they provide the required net area  
28 of the openings and permit the automatic flow of floodwaters in  
29 both directions;
- 30 4. Access to the enclosed area shall be the minimum necessary to

1 allow for parking of vehicles (garage door) or limited storage of  
2 maintenance equipment used in connection with the premises  
3 (standard exterior door) or entry to the living area (stairway or  
4 elevator);

5 5. The interior portion of such enclosed area shall not be partitioned  
6 or finished into separate rooms;

7 6. Where the open height below the lowest floor elevation exceeds  
8 **six feet (6')** above the HANG, a copy of the legally recorded deed  
9 restriction prohibiting the conversion of the area below the lowest  
10 floor to a use or dimension contrary to the building's originally  
11 approved design, shall be presented by the permit holder as a  
12 condition of issuance of the final Certificate of Occupancy or  
13 Certificate of Completion from the County.

14 (4) Standards for Manufactured Homes and Recreational Vehicles;

15 (a) All manufactured homes placed, or substantially improved, on individual lots or  
16 parcels, in expansions to existing manufactured home parks or subdivisions, in  
17 a new manufactured home park or subdivision, or in substantially improved  
18 manufactured home parks or subdivisions, shall meet all the requirements for  
19 new construction, including elevation and anchoring and shall be elevated so  
20 that the lowest floor of the manufactured home is elevated no lower than **twelve**  
21 **inches (12")** above the BFE and at least **eighteen inches (18")** above LARC.

22 The manufactured home chassis shall be supported by reinforced piers, or  
23 other foundation elements, of at least an equivalent strength, and not less than  
24 **thirty-six inches (36")** in height above the grade;

25 (b) All recreational vehicles placed on sites shall either be on the site for fewer than  
26 180 consecutive days, or be fully licensed and ready for highway use by virtue of  
27 being on its wheels or jacking system, being attached to the site only by quick  
28 disconnect type utilities and security devices and has no permanently attached  
29 additions.

1 (5) Floodways - Located within SFHAs as established in Section 7B of this Ordinance,  
2 may be areas designated as floodways. Since the floodway is an extremely hazardous  
3 area due to the velocity of floodwaters carrying debris, potential projectiles and have  
4 significant erosion potential, the following additional provisions shall apply:

5 (a) Encroachments shall be prohibited in floodways, including fill, new construction,  
6 substantial improvements and other developments unless certification with  
7 supporting technical data by a registered professional engineer is provided,  
8 demonstrating that the encroachments shall not create any adverse impact by  
9 any increase in flood levels during occurrence of the base flood discharge;

10 (b) All new construction and substantial improvements shall comply with all  
11 applicable flood hazard reduction provisions of Section 9 of this Ordinance;

12 (c) Placement of manufactured homes (mobile homes) shall be prohibited in  
13 floodways except in an existing manufactured home (mobile home) park or  
14 subdivision. A replacement manufactured home may be placed on a lot in an  
15 existing manufactured home park or subdivision, provided the standards of  
16 Section 9A(2) & 9A(3) of this Ordinance and the encroachment standards of  
17 Section 9B(5a) of this Ordinance are met.

18 **C. Specific Standards in FEMA Area "A" Unnumbered:**

19 Within SFHAs established in Section 7B of this Ordinance, where no BFE data or  
20 regulatory floodway has been provided, designated as unnumbered A zones by the Federal  
21 Emergency Management Agency (FEMA), the following provisions shall apply:

22 (1) When BFE data or floodway data have not been provided in accordance with  
23 Section 7B of this Ordinance, the Flood Damage Prevention Administrator shall:

24 (a) receive, review, and reasonably utilize any BFE and floodway data available  
25 from any source, including a federal or state agency. When such BFE is utilized  
26 to obtain the elevation (in relation to the NGVD) of the lowest floor (including the  
27 basement) of all new and substantially improved structures;

28 (b) obtain, if the structure has been flood-proofed in accordance with the  
29 requirements of Section 9B(2) of this Ordinance, the elevation in relation to the  
30 NGVD to which the structure has been flood-proofed;

1 (c) maintain a record of all such information;

2 (d) notify, in riverine situations, adjacent communities and the Florida DCA

3 Community Program Administrator prior to any alteration or relocation of a

4 watercourse, and submit copies of such notifications to FEMA;

5 (e) assure that the flood carrying capacity within the altered or relocated portion of

6 any watercourse is maintained;

7 (2) When minimum floor elevation data is not available from any source, the lowest floor

8 of the structure shall be elevated to no lower than **eighteen inches (18")** above the

9 HANG, and at least **eighteen inches (18")** above the LARC.

10 **D. Specific Standards in FEMA Area AO:**

11 Located within established SFHAs as defined in Section 7B of this Ordinance are  
12 areas designated as areas of shallow flooding. These areas have flood hazards associated  
13 with base flood depths of one to three feet, where a clearly defined channel does not exist and  
14 the path of flooding is unpredictable and indeterminate; therefore, the following provisions  
15 apply:

16 (1) Residential: all new buildings and substantial improvements of residential structures

17 shall have the lowest floor, including basement, elevated to at least **twelve inches (12")**

18 above the flood depth on the latest edition FIRM but not less than **eighteen inches**

19 **(18")** above LARC. If no flood depth number is specified, the lowest floor, including

20 basement shall be elevated no less than **twenty-four inches (24")** above the HANG,

21 and to be at least **eighteen inches (18")** above LARC;

22 (2) Non-residential: all new buildings and substantial improvements of non-residential

23 structures shall have the lowest floor, including basement, elevated to at least **twelve**

24 **inches (12")** above the flood depth specified on the FIRM but not less than **eighteen**

25 **inches (18")** above LARC. If no flood depth number is specified, the lowest floor,

26 including basement, shall be elevated at least **twenty-four inches (24")** above the

27 HANG, and shall be at least **eighteen inches (18")** above the LARC. Or, together with

28 attendant utility and sanitary facilities, the structures may be completely flood-proofed to

29 the specified flood level so that any space below that level is watertight with walls

30 substantially impermeable to the passage of water and with structural components

1 having the capability of resisting hydrostatic and hydrodynamic loads and effect of  
2 buoyancy. Certification is required as per Section 8A(2) of this Ordinance.

3 **E. Specific Standards for FEMA Areas B or C:**

4 On sites located within FEMA designated B and C zones without a master storm water  
5 drainage system, the following provisions shall apply on all buildings: new construction or  
6 substantial improvements of any building shall have the lowest floor, including basement,  
7 elevated not lower than **eighteen inches (18")** above LARC. Flood proofing in accordance  
8 with Section 9D(2) of this Ordinance above may be used on non-residential buildings.

9 **F. Coastal High Hazard Areas, FEMA Zone V1-30, VE OR V:**

10 Located within established as defined in Section 7B of this Ordinance, are Coastal  
11 High Hazard Areas, designated as Zones V1-V30, VE, or V. These areas have special flood  
12 hazards associated with high velocity waters from surges and, therefore, in addition to meeting  
13 all provisions in this Ordinance, the following shall also apply:

14 (1) All new buildings and substantial improvements in Zones V1-V30 and VE,  
15 V if BFE is available, shall be elevated on pilings or columns so that the bottom  
16 of the lowest horizontal structural member of the lowest floor, excluding the  
17 pilings or columns, is elevated to at least **twelve inches (12")** above the BFE.

18 And a signed and sealed certification from a licensed surveyor shall confirm the  
19 required elevation before approval of the floor inspection;

20 (2) The pile or column foundation and structure attached thereto shall be  
21 anchored to resist flotation, collapse, and lateral movement due to the effect of  
22 wind and water loads acting simultaneously on all building components. Wind  
23 and water loading values shall each have a one percent (1%) chance of being  
24 equaled or exceeded in any given year (one percent (1%) annual chance). A  
25 registered professional engineer or architect shall develop or review the  
26 structural design, specifications and plans for construction, and shall certify, by  
27 professional seal and signature, that the design and methods of construction to  
28 be used are in accordance with accepted standards of practice for meeting the  
29 provisions of Section 9F(1) of this Ordinance;

30 (3) All new construction shall be located landward of the reach of mean high-

1 tide;

2 (4) All new construction and substantial improvements shall have the space  
3 below the lowest floor either free of obstruction or constructed with non-  
4 supporting, breakaway walls, open wood lattice work, or insect screening  
5 intended to collapse under wind and water loads without causing collapse,  
6 displacement, or other structural damage to the elevated portion of the building  
7 or supporting foundation system. For the purpose of this section, a breakaway  
8 wall shall have a design safe loading resistance of not less than ten (10) and not  
9 more than twenty (20) pounds per square foot. Unless a registered professional  
10 engineer or architect proves that a design proposed with more than twenty (20)  
11 pounds per square foot resistance meets the following conditions: breakaway  
12 wall collapse shall result from water load less than that which would occur during  
13 the base flood; and the elevated portion of the building and supporting  
14 foundation system shall not be subject to collapse, displacement or other  
15 structural damage due to the effect of wind and water loads acting  
16 simultaneously on all building components (structural and non-structural).  
17 Maximum wind and water loading values to be used in this determination shall  
18 each have a one percent (1%) chance of being equaled or exceeded in any  
19 given year; The enclosed space below the lowest floor shall be useable solely  
20 for parking of vehicles, building access, or storage. Such space shall not be  
21 partitioned into multiple rooms, temperature controlled, or used for human  
22 habitation;

23 (5) Fill is prohibited for structural support of buildings;

24 (6) Man-made alteration of sand dunes that would increase potential flood  
25 damage is prohibited;

26 (7) No manufactured homes shall be placed or substantially improved upon  
27 outside manufactured home parks existing prior to this Ordinance within Zones  
28 V1-V30, V, and VE on the Palm Beach County FIRM;

29 (8) Any recreational vehicle located in any established V zone as defined in  
30 Section 7B of this Ordinance shall remain fully licensed and ready for highway

1 use. Such vehicles shall remain on its wheels or jacking system, be attached to  
2 the site utilities only by quick disconnect type devices without any permanent  
3 accessory attachments, such as carports or screen rooms;

4 (9) Although raised septic mounds are allowed in any established V zone as  
5 defined in Section 7B of this Ordinance, they shall not be under buildings or  
6 directly against any building foundation wall. Any such mounds shall be placed  
7 so as to avoid any adverse impacts from worsened flood conditions for any  
8 building.

9 **G. Standards for Streams With Established BFE Without Regulatory**  
10 **Floodways:**

11 Within established SFHAs as defined in Section 7B of this Ordinance, where streams  
12 exist for which BFE data has been provided by FEMA without the delineation of the regulatory  
13 floodway, the following provisions shall apply:

14 (1) Until a regulatory floodway is designated, no new construction, substantial  
15 improvements, or other development, including fill, shall be permitted within  
16 established SFHAs as defined in Section 7B of his Ordinance, unless it is  
17 demonstrated that the cumulative effect of the proposed development, when  
18 combined with all other existing and anticipated development will not increase  
19 the water surface elevation of the base flood more than **twelve inches (12")** at  
20 any point within Palm Beach County;

21 (2) Development activities within established SFHAs as defined in Section 7B  
22 of this Ordinance, which increase the water surface elevation of the base flood  
23 by more than **twelve inches (12")**, may be allowed, provided the developer or  
24 applicant first applies, with Palm Beach County endorsement, for a conditional  
25 FIRM revision, and receives the approval of FEMA.

26 **H. Standards for Subdivision Proposals, GENERAL:**

27 All new subdivision proposals:

28 (1) shall be consistent with the need to minimize flood damage;

29 (2) shall have public utilities and facilities such as sewer, gas, electrical and  
30 water systems located and constructed to minimize flood damage;

1 (3) shall have adequate master drainage systems provided to minimize  
2 exposure to flood damage; and

3 (4) shall have BFE data provided for subdivision proposals and other  
4 proposed development proposals, including manufactured home park and  
5 subdivisions, that exceed fifty (50) lots or five (5) acres, whichever is the  
6 lesser, stating minimum floor elevations to reduce flooding probability to less  
7 than one percent (1%) per year; and the standards of South Florida Water  
8 Management District, Palm Beach County Land Development Division and  
9 local drainage districts shall be met.

10 **I. Critical Facility:**

11 Construction of new critical facilities shall be, to the extent possible, located outside the  
12 limits of SFHAs. Construction of new critical facilities may be permissible within the SFHA if  
13 no feasible alternative site is available. Critical facilities constructed within SFHAs shall have  
14 the lowest floor elevated three (3) or more feet above the level of the BFE at the site. Flood-  
15 proofing and sealing measures shall be taken to ensure that toxic substances will not be  
16 displaced by or released into floodwaters. Access routes elevated to or above the level of the  
17 BFE shall be provided to all critical facilities.

18 **SECTION 10. GRADING AND EARTH FILL RESTRICTIONS:**

19 **A. Grading:**

20 No earth fill may be added onto any site or parcel without a proper permit from the  
21 State Health Department. On all new permitted construction, regardless of flood zone  
22 designation, grading shall keep all rainfall and runoff flow on the building site, until discharged  
23 into the roadway drainage system or to public drainage ways adjacent to the property lines.  
24 Berms shall be constructed along lot lines, if necessary, to prevent storm water flow directly  
25 onto adjacent properties. Erosion sedimentation off the building site shall be controlled until  
26 vegetative cover is established. The Flood Damage Prevention Administrator may require  
27 grading plans showing pre-construction and proposed finish earth grades.

28 **B. Earth Fill:**

29 On all new construction, earth fill brought onto the site of construction from another site  
30 shall be minimized to maximize existing floodwater storage capacity. Maximum volume of  
31 imported fill shall be limited to that necessary to raise an earth pad to elevate the slab-on-

1 grade, not more than **six inches (6”)** above minimum floor elevation set in this Ordinance,  
2 with side slopes of the pad of 1:5 to 1:3 starting **ten feet (10’)** from the slab edges.

3 **C. Exceptions From This Section’s Requirements:**

4 (1) Only on building sites requiring raised septic mounds to Palm Beach  
5 County Health Department minimum elevations, will additional volume of fill be  
6 allowed to construct the mound;

7 (2) Earth fill dug from an on-site excavation shall be unregulated if in  
8 accordance with Palm Beach County Unified Land Development Code  
9 regulations and provided finish grade directs lot drainage back into the  
10 excavation;

11 (3) Any volume of fill for placement inside the perimeter foundation walls to  
12 raise an interior concrete slab to any higher elevation shall be allowed;

13 (4) Fill shall be permitted to raise earthen berms on side property lines to  
14 prevent drainage onto adjacent lots, provided said berms have side slopes of  
15 1:5 to 1:3, with a triangular cross section;

16 (5) Fill shall be allowed inside retaining walls for American Disabilities Act  
17 (ADA) required building access ramps or driveway ramps;

18 (6) Fill necessary to direct on site drainage to the public roadway or drainage  
19 system shall also be permitted;

20 (7) Minimum fill for sites that have sloping topography that do not store  
21 floodwater shall be permitted. Any fill in excess of this minimum grading  
22 requirement shall be subject to approval of the Flood Damage Preventions  
23 Board as a variance;

24 (8) Fill necessary for critical facilities and public service buildings; and

25 (9) Areas included within a South Florida Water Management District permit  
26 shall be filled and graded in accordance with the fill and grading design  
27 conditions identified in said permit even when elevations are more than **six**  
28 **inches (6”)** above the flood minimum set in Section 10B of this Ordinance.

29 **SECTION 11. APPEAL AND VARIANCE PROCEDURES:**

30 **A. Flood Damage Prevention Board:**

1 The Flood Damage Prevention Board shall hear and decide appeals when it is alleged  
2 an error in any requirement, decision, or determination is made by the Flood Damage  
3 Prevention Administrator in the enforcement or administration of this Ordinance and shall  
4 decide any variance request following procedures in Section 108, Florida Building Code as  
5 amended by Palm Beach County.

6 **B. Appeals Procedures:**

7 (1) A request for appeal to the decision of the Flood Damage  
8 Prevention Administrator enforcing the provisions of this Ordinance shall include  
9 the Ordinance section of the appeal, and the applicant's technical basis of  
10 contesting the decision of the Flood Damage Prevention Administrator. The  
11 appeal is to be filed in writing within thirty (30) calendar days after the decision  
12 is rendered by the Flood Damage Prevention Administrator whenever any one  
13 of the following conditions are claimed to exist:

14 (a) The Flood Damage Prevention Administrator rejected or refused to  
15 approve the applicant's request;

16 (b) The provisions of this Ordinance do not apply to the applicant's specific  
17 case;

18 (c) That an equally good or more desirable method can be employed and  
19 fully meet the intent of this Ordinance, which the Flood Damage  
20 Prevention Administrator has rejected;

21 (d) The true intent and meaning of this Ordinance or any of the regulations  
22 there under have been misconstrued or incorrectly interpreted.

23 (2) The Flood Damage Prevention Board shall hear appeals requests at the  
24 next available meeting within sixty (60) days of date of appeal;

25 (3) At the conclusion of the hearing, the Flood Damage Prevention Board shall  
26 orally render an order based on evidence entered into the record. An order setting  
27 forth findings of fact and conclusion of law shall then be mailed to the appellant.

28 (4) Any persons aggrieved by an appeals decision of the Flood Damage  
29 Prevention Board may appeal such decision to the Circuit Court of Palm Beach  
30 County Florida by writ of Certiorari; any appeal filed pursuant to this article shall be

1 considered timely if filed within thirty (30) calendar days of the execution of the order  
2 to be appealed.

3  
4 **C. Variance Procedures:**

5 (1) An initial request for a variance from the provisions of this Ordinance shall  
6 be filed in writing by the affected party with the Flood Damage Prevention  
7 Administrator;

8 (2) The Flood Damage Prevention Board shall hear variance requests at the  
9 next available meeting. In acting upon variance applications, the Flood Damage  
10 Prevention Board shall consider all technical evaluations, all relevant factors, and  
11 standards specified in other sections of this Ordinance; and

12 (a) The danger that materials may be swept onto other lands to the injury of  
13 others;

14 (b) The danger to life and property due to flooding or erosion damage;

15 (c) The susceptibility of the proposed facility and its contents to flood  
16 damage and the effect of such damage on the individual owner;

17 (d) The importance of the services provided by the proposed facility to the  
18 community;

19 (e) The necessity to the facility of a waterfront location;

20 (f) The availability of alternative locations for the proposed use which are  
21 not subject to flooding or erosion damage;

22 (g) The compatibility of the proposed use with existing and anticipated  
23 development;

24 (h) The relationship of the proposed use to the comprehensive plan and  
25 floodplain management program for that area;

26 (i) The safety of access to the property in times of flood for ordinary and  
27 emergency vehicles;

28 (j) The expected heights, velocity, duration, rate of rise, and sediment of  
29 transport of the floodwaters and the effects of wave action, if applicable,  
30 expected at the site;

1 (k) The costs of providing governmental services during and after flood  
2 conditions, including maintenance and repair of public utilities and  
3 facilities such as sewer, gas, electric, and water systems, and streets  
4 and bridges; and

5 (l) The negative effect a variance may have on the county rating under the  
6 FEMA Community Rating System.

7 (5) Any persons aggrieved by an appeals decision of the Flood Damage  
8 Prevention Board may appeal such decision to the Circuit Court of Palm Beach  
9 County Florida by writ of Certiorari; any appeal filed pursuant to this article shall be  
10 considered timely if filed within thirty (30) days of the execution of the order to be  
11 appealed.

12 **D. Conditions for Variances:**

13 Variances shall only be issued when there is:

14 (1) A showing of good and sufficient cause;

15 (2) A determination that failure to grant the variance would result in  
16 exceptional hardship as defined in Section 6 of this Ordinance;

17 (3) A determination that the granting of a variance will not result in increased  
18 flood heights, additional threats to public expense, create nuisance, cause fraud on or  
19 victimization of the public or conflict with existing laws or ordinances;

20 (4) Variances shall only be issued upon a determination that the variance is  
21 the minimum necessary deviation from the requirements of this Ordinance;

22 (5) Any applicant to whom a variance is granted shall be given written notice  
23 specifying the difference between the BFE and the elevation to which the lowest floor  
24 is to be built, and stating that the cost of flood insurance will be commensurate with  
25 the increased risk resulting from the reduced lowest floor elevation;

26 (6) Variances shall not be granted after-the-fact;

27 (7) The Flood Damage Prevention Board may attach such conditions to the  
28 granting of variances, as it deems necessary to further the objective of this Ordinance.

29 The Flood Damage Prevention Administrator shall maintain the records of all  
30 variance actions.

1           **E. Variance Notification:**

2           Any applicant to whom a variance is granted, shall be given a written order bearing the  
3 signature of the Flood Damage Prevention Board Chairperson that the issuance of a variance  
4 to construct a structure failing to meet requirements of this Ordinance may result in substantial  
5 increase in flood insurance premium rates, and such noncompliance construction increases  
6 risks to life and property. A copy of the notice shall be recorded by the Flood Damage  
7 Prevention Administrator in the Office of the Palm Beach County Clerk and shall be recorded  
8 in a manner so that it appears in the chain of title of the affected parcel of land in the official  
9 records of Palm Beach County. The Flood Damage Prevention Administrator will maintain a  
10 record of all variance actions, including justification for their issuance, and report such  
11 variances issued in its biennial report submitted to FEMA.

12           **F. Historic Structures:**

13           Variances may be issued for the repair or rehabilitation of historic structures upon a  
14 determination that the proposed repair or rehabilitation shall not preclude the structure's  
15 continued designation as a historic structure.

16           **G. Structures in Regulatory Floodway:**

17           Variances shall not be issued within any designated floodway if any impact in flood  
18 conditions or increase in flood levels during the base flood discharge would result.

19           **SECTION 12. PROVIDING FOR APPLICABILITY:**

20           This Ordinance shall be applicable in the unincorporated areas of Palm Beach  
21 County Florida.

22  
23           **SECTION 13. PROVIDING FOR A SAVINGS CLAUSE:**

24           Notwithstanding anything to the contrary, all provisions of Article VI, Chapter 7 of the  
25 Palm Beach County Code, codifying Ordinance No. 88-3, are specifically preserved and  
26 remain in full force and effect for the limited purpose of enforcing any alleged violations,  
27 variances and appeals granted or pending, of said Code, which occurred prior to its  
28 repeal.

29  
30           **SECTION 14. PROVIDING FOR CODES IN CONFLICT:**

31           Should other local laws and ordinances conflict with any provisions of this  
32 Ordinance, the more stringent restrictions shall prevail.

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**SECTION 15. SEVERABILITY:**

If any section, clause, sentence, or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

**SECTION 16. PROVIDING FOR INCLUSION IN THE ULDC:**

The provisions of this Ordinance shall become and be made part of the ULDC (Unified Land Development Code). The sections of this Ordinance may be renumbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

**SECTION 17. EFFECTIVE DATE:**

The provisions of this Ordinance shall become effective upon filing with the Department of State, State of Florida.

**APPROVED and ADOPTED** by the Board of County Commissioners of Palm Beach County, Florida, on this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

DOROTHY H. WILKEN, CLERK

PALM BEACH COUNTY, FLORIDA, BY ITS BOARD OF COUNTY COMMISSIONERS

By: \_\_\_\_\_  
Deputy Clerk

By \_\_\_\_\_  
Chair

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By: \_\_\_\_\_  
Assistant County Attorney

**EFFECTIVE DATE:** Filed with the Department of State, State of Florida, on the \_\_\_\_\_ day of \_\_\_\_\_, 2004.

## MEMORANDUM

**TO:** Wes Blackman, Chair  
LDRAB Members

**FROM:** Jon MacGillis, Zoning Administrator

**DATE:** May 3, 2004

**RE:** Draft "Rules of Procedure" for LDRAB

At the Land Development Regulation Advisory Board (LDRAB) Orientation Workshop on April 8, 2004, the Board directed staff to verify if any Bylaws existed from the CTF that could be update for the LDRAB. Staff's research found no prior Bylaws. With the assistance of Lenny Berger, Assistant County Attorney, staff has prepared the attached "Draft Rules of Procedure" for your review and comments at the next meeting. Many of the provisions typically found in County Advisory Board Bylaws, with respect to how to conduct business, have been codified in the ULDC. Therefore, staff referenced only those provisions not outlined in the ULDC or current County Policy and Procedure Memos.

After the LDRAB Board reviews and provides comments, staff will make the necessary changes and bring the document back for adoption at the next meeting.

If you should have any questions, contact me at (561) 233-5223 or William Cross, Senior Planner, at (561) 233-5206.

JM/jm

c: Lenny Berger, Esquire, Assistant County Attorney  
Robert T. Buscemi, R.A., Principal Planner  
William Cross, Senior Planner  
Code Revision Secretary

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**LDRAB**

**MAY 13, 2004**

**ATTACHMENT "F"**

LAND DEVELOPMENT REGULATION ADVISORY BOARD

# DRAFT

# "Rules of Procedure"



May 2004

**Article I  
Introduction**

- A. The Palm Beach County Unified Land Development Code, hereinafter referred to as the ULDC, authorizes the Land Development Regulation Advisory Board and Land Development Regulation Commission, herein after referred to as the LDRAB and LDRC to Rules of Procedures for the transaction of business.
- B. The within Rules of Procedure have been adopted by the LDRAB and LDRC, and all previously adopted Bylaws or Rules of Procedure are deemed repealed.

**Article II  
Powers and Duties**

- A. The LDRAB shall have the powers and duties as outlined in ULDC Art.17.C.2.B, Powers and Duties, as amended.

**Article III  
Membership, Officers and Staff**

- A. The LDRAB shall be composed of members as outlined in ULDC Art.17.C.2.C, Board Membership, as amended.
- B. The Zoning Director shall serve as the Secretary and the professional staff of the LDRAB as outlined in ULDC Art.17.C.2.C.4, Staff, as amended.

**Article IV  
Meetings**

- A. General meetings and special meetings of the LDRAB shall be governed as outlined in ULDC Art.17.B.5, Rules of Procedure, as amended.
- B. A member of the LDRAB shall be permitted to participate in a general or special meeting via telephone or teleconference if the following conditions are met:
  - a. That the quorum necessary to take action and transact business is physically present at the meeting; and
  - b. That the LDRAB, by a majority vote of the quorum present, determines that the extraordinary circumstances justify the members' absence.

**Article V  
Subcommittees**

- A. The LDRAB may create subcommittees, which will be governed by the regulations in Art.17.C.2.C.3.c, Subcommittees, as amended, as well as the following regulations:
- a. At a minimum, the subcommittee shall be composed of one LDRAB member and two non-LDRAB members. It shall be determined by a majority vote of the LDRAB that the non-members have the necessary expertise on the specific Code amendment;
  - b. The subcommittee shall meet as often as determined necessary by the LDRAB;
  - c. The presence of two members of the subcommittee shall constitute a quorum necessary to take action and transact business;
  - d. The location of all meetings shall be in PBC, Florida and all meetings shall be open to the public;
  - e. The Zoning Director shall serve as the Secretary and the professional staff of the subcommittee;
  - f. The County Attorney's Office shall provide counsel and interpretation on legal issues; and
  - g. The subcommittee shall submit their findings at the next scheduled LDRAB meeting.

**Article VI  
Amendments to the Rules of Procedures**

- A. The LDRAB may amend these rules at a regular meeting by a majority vote of the quorum present.
- B. The LDRAB Secretary shall maintain a copy of the "Rules of Procedures" in the Zoning Division for the Public to view.

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c: Lenny Berger, Esquire, Assistant County Attorney  
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William Cross, Senior Planner  
Code Revision Secretary

---

**LDRAB**

**MAY 13, 2004**

**ATTACHMENT "F"**

LAND DEVELOPMENT REGULATION ADVISORY BOARD

# DRAFT

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May 2004

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## PROPOSED AMENDMENTS TO ARTICLE 18, DEFINITIONS

1. Relocate all definitions in Article 1, under new Chapter "I".
  - Allow for new Articles to be added to ULDC.
  - Definitions located in Article 1 so user can review prior to reviewing specific Article.
2. All definitions to be located in new Chapter and removed from individual Articles with the following notation in definitions specific to each article.
  - A. Terms defined herein or referenced Article shall have the following meanings:
    - 1985 Manual** - ~~Art. 12~~ For the purposes of Art. 12 – *the Highway Capacity Manual, 2000 as published by the Transportation Research Board.*
    - 2000 Manual** - ~~Art. 12~~ For the purposes of Art. 12– *the Highway Capacity Manual, 2000 as published by the Transportation Research Board.*
    - A-Weighted Sound Pressure Level** - ~~Art. 5~~ For the purposes of Art. 5 – *the sound pressure level as measured with a sound level meter using the A-Weighting network. The standard notation is dB.*
    - Abandon** - given up, unused, vacant, or not occupied for the purpose it was originally intended.
    - Abandoned Tower** - ~~Art. 4.C~~ For the purposes of Art. 4 – *any commercial communication tower whose principal use has been discontinued for a period in excess of three months.*
    - Abutting Property** - lying immediately adjacent to and sharing a common property line with other property.
3. All definitions in Interactive Code will be linked in the Articles.